

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Crl.O.P.No.31148 of 2012

and

M.P.No.1 of 2012

Shanmugam

...Petitioner/Defacto Complainant

Versus

State represented by
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime No.329 of 2012

...Respondent/Complainant

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to transfer the investigation in respect of the Crime No.329 of 2012 pending on the file of the respondent to any other investigating agency and directed to proceed with investigation.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.T.Shunmugarajeswaran,
Government Advocate (Crl.Side)

ORDER

The case of the petitioner/defacto complainant is that he supplied 575 Kilograms of Silver Ingots valued at Rs.3 Crores to the accused for making the same as pure Silver Bar and the accused did not return the silver bar and thereby committed fraud and liable to be punished under Sections 406 & 420 of I.P.C. In the present petition, it is alleged by the petitioner/defacto complainant that though the respondent Police arrested four accused, they failed to arrest the other accused and the investigation is kept pending without any progress. He would therefore contend that the investigation in Crime Number 329/2012 of Sooramangalam Police Station should be transferred to some other investigating agency.

2. The learned Government Advocate (CrI.Side) appearing for the respondent would contend that during the course of investigation, they had sent 24 note books and a paper attached to the said note books along with the sample writings of the accused Amul Narsingh Ingle marked as "A-1 to A-22" to a Hand Writing Expert and they are awaiting the report from the Central Forensic Science Lab, Hyderabad. According to him, the Assistant Commissioner of Police, Crime, West Range, Salem City, Tamil Nadu had also sent a communication to the Director, Central Forensic Science Lab, D.F.S.S., Govt. of India, Ramanathapur, Hyderabad, dated 05.07.2018 in Letter No.329 of 2012 requesting the latter to send the report to enable them to file a charge sheet against the accused.

3. It is unfortunate that the Police are unable to arrest the remaining accused even after a lapse of six years. However, a perusal of the communication dated 05.07.2018, addressed to the Central Forensic Science Lab by the Assistant Commissioner of Police, Crime, West Range, Salem City shows that the investigation in Crime No.329 of 2012 of Sooramangalam Police Station is being monitored by the former.

4. In the facts and circumstances of the present case, this Criminal Original Petition is disposed of with a direction to the respondent police to expedite the investigation in Crime No.329 of 2009 and to file a final report, preferably, within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrr
To

1. The Inspector of Police,
Sooramangalam Police Station,
Salem District.

2. The Public Prosecutor,
High Court,
Madras.

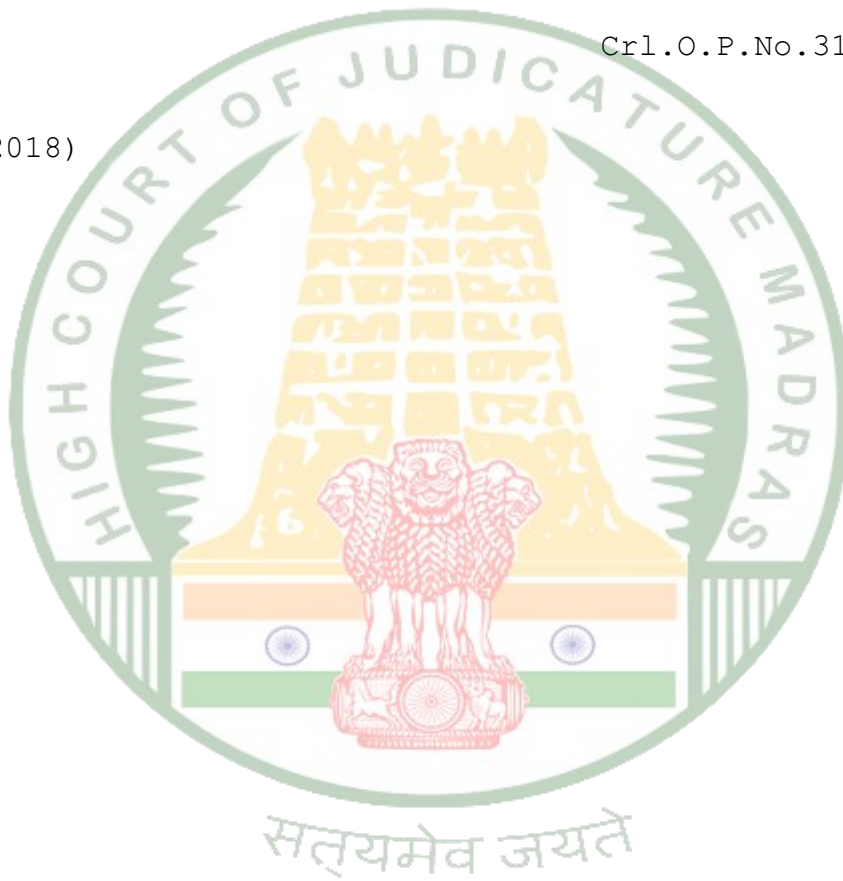
3. The Assistant Commissioner of Police
Crime West Range, Salem.

4. The Director
Central Forensic
Science Lab
(DFSS Govt of India)
Ramanathapur, Hyderabad
Telengana.

+1 CC to Mr.R.Nalliyappan, Advocate sr 45613.

Cr1.O.P.No.31148 of 2012

NRL (CO)
SP (01/08/2018)



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