

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.28681 of 2018

P.Narayanakutty

... Petitioner

vs.

1.The Commissioner of Police,
Coimbatore District,
Coimbatore.

2.The State rep. by its,
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.1163 of 2017 on the file of second respondent police to some other officers under the control of first respondent.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed seeking for transfer of investigation in Crime No.1163 of 2017, pending on the file of the second respondent.

2. The learned counsel for the petitioner would submit that the petitioner is a gold smith and he had engaged the services of the accused persons for making gold ornaments. The accused persons hail from West Bengal. The petitioner had handed over two gold bars to the accused persons and instructed them to make the gold ornaments. These accused persons had taken away the gold bars and went missing and had escaped to West Bengal.

3. The petitioner lodged a complaint before the second respondent and based on the complaint, second respondent registered an FIR in Crime No. 1163 of 2017 against four accused persons for an offence under Sections 406 and 420 of Indian Penal Code. It is the grievance of the petitioner that there has been absolutely no progress in the investigation and in spite of the petitioner informing the second respondent about the whereabouts of the accused persons and also making arrangement for the Police Officers to go to West Bengal to secure the accused persons, there has been absolutely no progress in the investigation. Therefore, left with no other option, the petitioner has filed this petition seeking for transfer of investigation.

4. In the facts and circumstances of the case, since the accused persons belong to a different State namely West Bengal, it may not be possible for the second respondent to effectively investigate this case. It would require a team of police or a Specialised Agency who are capable of handling accused persons from outside State, to investigate the case.

5. Accordingly, this Criminal Original Petition stands disposed of with a direction to the first respondent, namely, the Commissioner of Police, Coimbatore District to form a team in order to nab the culprits and assist the second respondent in carrying on with the investigation or transfer the case to another agency, which is capable of handling the accused persons who belong to a different State. The first respondent is directed to take immediate action in this regard.

6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True copy//

Sub Assistant Registrar

nmm/dss

To

1.The Commissioner of Police,
Coimbatore District,
Coimbatore.

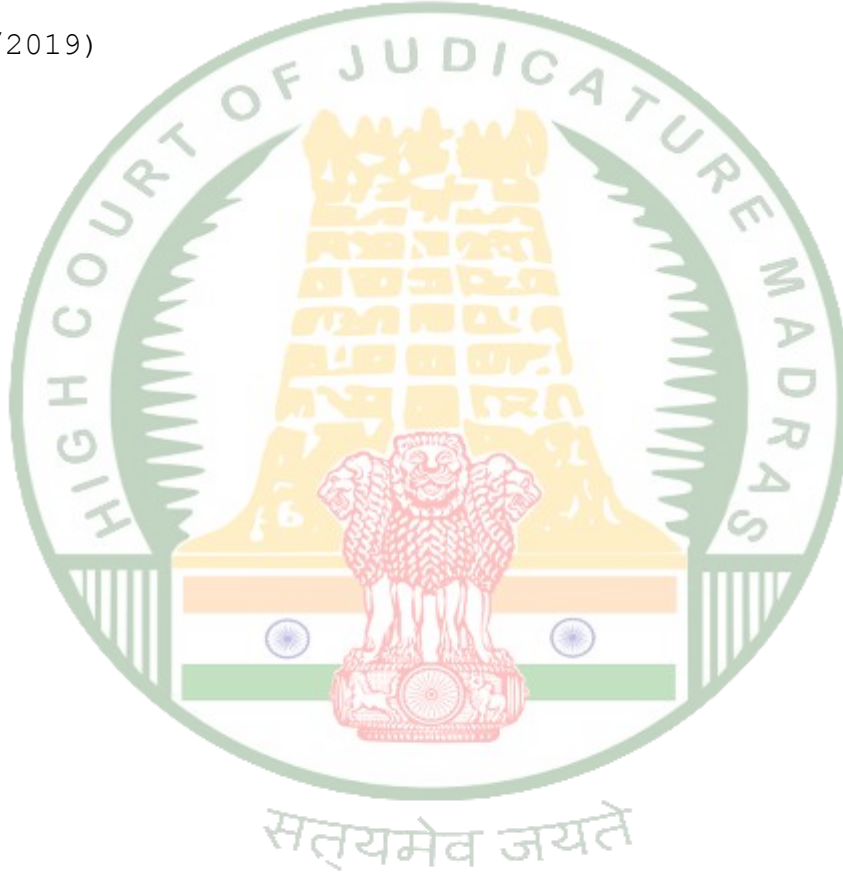
2.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore City,
Coimbatore District.

3.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.K.Myilsamy, Advocate SR.No.86918

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SV (CO)
GMY (09/01/2019)



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