



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.1952 of 2018

R.Vinoth Kumar

: Petitioner

Vs.

1.The Superintendent of Police,
Theni District, Theni.

2.The Special Sub Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.21 of 2017)

3.The Joint Director,
Central Bureau of Investigation,
E.V.K.S. Building, Nungambakkam,
Chennai.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to withdraw the case in Crime No.21 of 2017 from the file of the second respondent and to transfer the same to the file of the 3rd respondent or any other agency.

For Petitioner : Mr.K.Gokul

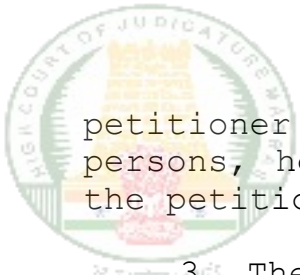
For R-1 and R-2 : Mrs.S.Bharathi
Government Advocate(criminal side)

For R-3 : Mr.N.Nagendran
Special Public Prosecutor for CBI

ORDER

This criminal original petition has been filed for a direction to transfer the case in Crime No.21 of 2017 from the file of the second respondent to the CBI.

2. The case of the petitioner is that the accused person had sent a mail to him promising to get him a job at Singapore. The petitioner was made to believe that the accused persons had their influence in Singapore to get a job. Therefore, the petitioner believing the words of the accused person started sending money to the accused person through bank transfer and in all he had made 147 online transfers to the total tune of Rs.1,48,93,450/-. The accused person after receiving the said amount, had never made any arrangement to get the job for the petitioner in Singapore. The



petitioner was repeatedly trying to get in touch with the accused persons, however they stopped all contacts with the petitioner and the petitioner was left in lurch.

3. The petitioner left with no other option filed a complaint before the second respondent on 18.12.2017, and an FIR was registered in Crime No.21 of 2017 for an offence under Sections 406 and 420 of I.P.C.

4. The accused persons belong to Kolkatta and it is the case of the petitioner that these persons have international contacts and there are several persons who have been cheated by the accused persons. Since the accused persons are at Kolkatta, the second respondent is not able to even identify the accused persons till today and all the transactions have happened online. The second respondent has not even resorted to take help from the Cyber Crime Branch and the entire investigation has come to a standstill.

5. The learned Government Advocate (criminal side) for the first and second respondent would submit that the second respondent has examined the petitioner as well as the bank officials through whom online payment was sent by the petitioner. However, till date the accused persons have not even been identified and the investigation is continuing.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the accused persons belong to Kolkatta and the entire transactions have happened online and the communication between the petitioner and the accused persons has happened through E-mail. The case needs to be investigated by an agency which has a specialised Cyber Crime Department. It is also important to refer this case to an agency which will have easy access to all the States in India. Therefore, this Court deems it fit to transfer this case to the file of the CBI.

7. The second respondent is directed to transfer the entire case records to the third respondent within a period of two weeks from the date of receipt of copy of this order. The third respondent is directed to assign this case to an officer who is well-versed in online frauds on Cyber Crimes. The officer to whom the case is assigned, shall take up the investigation immediately and bring the culprits to book and expeditiously complete the investigation and file a final report.

8. With the above directions, the criminal original petition is disposed of.

Sd/

Assistant Registrar (AE)

/True copy/



To

1. The Superintendent of Police,
Theni District, Theni.

2. The Special Sub Inspector of Police,
District Crime Branch,
Theni District.

3. The Joint Director,
Central Bureau of Investigation,
E.V.K.S. Building, Nungambakkam,
Chennai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Gokul, Advocate, SR.No.82533

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