



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.15532 of 2016

WEB COPY

Abdullah

: Petitioner/1st Prosecution witness,
Complainant

-Vs-

- 1.The Director,
Vigilance and Anticorruption,
21 to 29, Kumarasamy Raja Salai,
Greenways Salai,
Raja Annamalaipuram,
Chennai-28.
- 2.The Deputy Superintendent of Police,
Vigilance and Anticorruption,
Trichy-20.
- 3.The Inspector of Police,
Vigilance and Anticorruption,
Trichy-20.
in Crime No.2 of 2015
- 4.The Joint Director,
Head of the Zone,
Central Bureau Investigation (CBI),
3rd Floor, Sasthiri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai-6.

: Respondents/Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.2 of 2015 on the file of the 3rd respondent to the 4th respondent or any other competent authority.

For Petitioner	: Mr.A.Joel Paul Antony
For Respondent Nos.1 to 3	: Mr.C.Mayilvahana Rajendran Additional Public Prosecutor
For Respondent No.4	: Mr.N.Ashokkumar Gowtham for CBI

O R D E R

Based on source of information, the Department of Vigilance and Anti-Corruption have registered an F.I.R. in Crime No.2 of 2015 on 26.02.2015 for the offences under Sections 403, 409, 466, 468, 471, 477(A) and 109 IPC and 13(2) r/w. 13(1)(C) of the P.C.Act-1988. While so, the petitioner, who claims himself to be the informant,



has filed the present petition for transfer of investigation in Crime No.2 of 2015 to the Central Bureau of Investigation (CBI).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel for the petitioner submitted that this Court, in Crl.O.P (MD) No.2256 of 2016, has passed the following order, on 11.02.2016.

"3. Taking into consideration the nature of the allegation without fixing an upper time limit, the respondents 2 and 3 are directed to secure the accused and file final report in Crime No.2 of 2015 as expeditiously as possible.

With the above direction, this petition is disposed of."

4. The learned counsel for the petitioner submitted that in spite of the order passed by this Court, the police have not completed the investigation and no action has been taken against the accused. The Investigating Officer has filed a status report which shows that Senior Officers in the Agricultural Department along with their subordinates have committed huge malpractices running to several lakhs of rupees and that the police have recorded the statement of 1195 witnesses so far.

5. The learned Additional Public Prosecutor submitted that the allegations relate to creating false records and obtaining boosted rate of quotation for the seeds storage bins from Agro Farms in violation of tender procedures, causing huge loss to the Government in implementing the Government Subsidy Scheme in 14 blocks around 428 villages involving 96,000 beneficiaries during the year 2010-2011. Up to now, the police have been able to collect the evidence in respect of 4 blocks out of 14 blocks and therefore, they need some more time for completing the investigation.

6. This Court gave its anxious consideration to the rival submissions.

7. On a perusal of the case diary, this Court is satisfied that the investigation is proceeding on the right lines and therefore, this is not a fit case to transfer the investigation to the Central Bureau of Investigation (CBI).

8. Taking into consideration the magnitude of the offence, no direction can be issued to the Department of Vigilance and Anti-Corruption to complete the investigation within a certain time period. Further, the learned Additional Public Prosecutor submitted that if 12 months time is given, the police will be able to complete the investigation.



9. Recording the submissions, the respondent police is directed to complete the investigation in Crime No. 2 of 2015 within a period of twelve months from the date of receipt of copy of this order.

10. With the above direction, this Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Vigilance and Anticorruption,
21 to 29, Kumarasamy Raja Salai,
Greenways Salai, Raja Annamalaipuram,
Chennai-28.
2. The Deputy Superintendent of Police,
Vigilance and Anticorruption, Trichy-20.
3. The Inspector of Police,
Vigilance and Anticorruption,
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4. The Joint Director,
Head of the Zone,
Central Bureau Investigation (CBI),
3rd Floor, Sasthiri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai-6.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.A. Joel Paul Antony, Advocate SR.No. 43285

Order made in
Cr1.O.P. (MD) No.15532 of 2016
Dated: 19.01.2018

CP/AKV

JM/SV MMS/31.01.2018/3P/7C