



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.17591 of 2016

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1.M.Kadar Masthan ... Petitioner / De-facto Complainant

Vs.

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

2.The Inspector of Police,
Vicramasingapuram Police Station,
Vicramasingapuram, Tirunelveli District.
(In Crime No.224 of 2014) ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent Police to secure the accused and to direct the first respondent to monitor the investigation in case in Crime No.224 of 2014, which is pending on the file of the second respondent.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(crl. side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent to monitor the investigation done by the second respondent in Crime No.224 of 2014, pending on the file of the second respondent.

2.When the matter came up for hearing during the last occasion, this Court passed the following order:-

"It is seen that the accused persons have involved in a serious job racketing as a result of which the petitioner's son from whom an amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) was received towards securing the job in Thailand, was sent to Thailand with forged VISA and as a result of which the petitioner's son had spent one year in jail at Thailand. The record reveals that at least three of the accused persons are still absconding and they have not been secured.

2.In a serious case of this nature, this Court is not satisfied with the investigation, which is conducted by the second respondent.



3.Hence, there shall be a direction to the first respondent immediately to take charge of the case and file a status report before this Court with regard to the steps taken to secure the accused persons and conduct the investigation effectively. The status report shall be filed by the first respondent on or before 04.10.2018. Further order will be passed by this Court on receipt of the status report from the first respondent.

4.Post the matter on 04.10.2018."

3.Subsequent to passing of this order, the Case Diary has been handed over to the Superintendent of Police, Tirunelveli.

4.Today, the learned Government Advocate (Crl. side) filed a status report signed by the first respondent. It is relevant to extract the following portions from the status report:-

"4.I further submit that the copy of the above said order was received at my Office on 03.10.2018 and in obedience of the aforesaid orders passed by the Honourable Court, I called for the Case Diary in Vikramasingapuram PS Crime No.224 of 2014, under Sections 417 & 420 I.P.C. and perused the same and I agree with the opinion this Honourable Court and the investigation so far done in this case by the Investigation Officer is not up to the mark. Hence, in obedience of the order of this Honourable Court, I have immediately passed orders vide proceedings in C.No.C2/59207/2018 dated 17.10.2018 transferring the case from the file of the second respondent i.e., Inspector of Police, Vikramasingapuram PS to the Deputy Superintendent of Police, District Crime Branch, Tirunelveli with the direction to commence the investigation forthwith and complete the same at the earliest.

5.I further submit that as per the directions of this Honourable Court, I will closely monitor the investigation of the case on day to day basis and ensure the perceptible investigation in this case, speedy arrest of the remaining accused and the final report is filed before the Court of law at the earliest possible."

5.In view of the above, it is seen that the first respondent has really taken a very serious view about the matter and has taken immediate steps to allot the case to the Deputy Superintendent of Police, District Crime Branch, Tirunelveli and the first respondent is also monitoring the case on day to day basis. This Court appreciates the immediate action taken by the first respondent. This Court also hopes that the investigation will be carried on effectively and the accused persons will be brought to book.



6. In view of the above, there shall be a direction to the first respondent to ensure that the investigation is completed within a period of four months from the date of receipt of copy of this order and an appropriate final report is filed before the concerned Court.

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7. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Vicramasingapuram Police Station,
Vicramasingapuram, Tirunelveli District.
3. The Deputy Superintendent of Police,
District Crime Branch, Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.Krishnan, Advocate, SR.No.91956

Cr1.O.P. (MD) .No.17591 of 2016
24.10.2018

TSG
ES/SKN/RSK/SAR 3/14.11.2018/3P/6C