



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

WEB COPY

Crl.O.P. (MD) Nos.18312 to 18314 of 2016

- 1.Pon Rajendran
- 2.J.R.Manikandan
- 3.K.Subramanian
- 4.K.R.Thirunavukarasu
- 5.V.P.S.Alagumalai
- 6.R.Kannan
- 7.A.Janzi Rani
- 8.S.Shankar
- 9.V.Narayanasamy
- 10.S.Visalam

: Petitioners in all Crl.O.Ps.

-Vs-

1.The Director,
Central Bureau of Investigation (CBI),
Head Office,
Plot No.5-B, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

2.The Joint Director,
Central Bureau of Investigation (CBI),
3rd Floor, E.V.K.Sampath Building,
College Road,
Chennai-600 006.

3.The Deputy Superintendent of Police,
Economic Offences Wing -II,
Plot No.158, Ground Floor,
4th Cross Street,
Anna Nagar, Madurai-20.

4.The Inspector of Police,
Economic Offences Wing-II,
Madurai District.

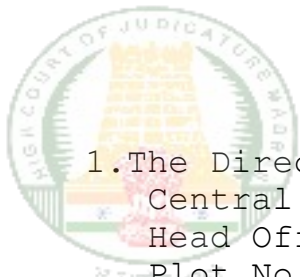
5.HBN Company,
D-Mall 4th Floor,
Paschiam Vihar,
Near Radisson Blue Hotel,
New Delhi.

6.M.Renganathan

<https://hcservices.ecourts.gov.in/hcservices/>

7.Devika

: Respondents in Crl.O.P. (MD) No.18312/2016



1.The Director,
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3.The Deputy Superintendent of Police,
Economic Offences Wing -II,
No.II, Abdul Salim Street,
Kaja Nagar,
Manapuram,
Trichy-20.

4.The Inspector of Police,
Economic Offences Wing-II,
Trichy District.

5.HBN Company,
D-Mall 4th Floor,
Paschiam Vihar,
Near Radisson Blue Hotel,
New Delhi.

6.M.Renganathan

7.Devika : Respondents in CrI.O.P. (MD) No.18313/2016

1.The Director,
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3.The Deputy Superintendent of Police,
Economic Offences Wing -II,
Medai Police Station,
Palayankottai,
Tirunelveli District.



4.The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

5.HBN Company,
D-Mall 4th Floor,
Paschiam Vihar,
Near Radisson Blue Hotel,
New Delhi.

6.M.Renganathan

7.Devika : Respondents in CrI.O.P.(MD)No.18314/2016

COMMON PRAYER: Petitions are filed under Section 482 of the Criminal Procedure Code praying to transfer investigations of FIR No.3 of 2015 on the file of the Madurai EOW Police Station, FIR No.9 of 2015 [wrongly mentioned in the prayer as 'FIR No.9 of 2016'] on the file of the Trichy EOW Police Station and FIR No.2 of 2016 on the file of the Tirunelveli EOW Police Station respectively, to the respondents 1 and 2 - Central Bureau of Investigation (CBI).

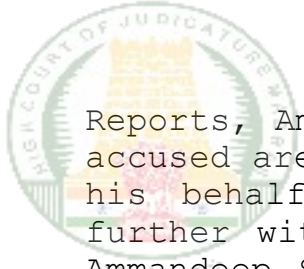
In all CrI.O.Ps.

For Petitioners : Mr.R.Murugappan,
For M/s.M.Kalamurugappan
For Respondents 1&2: Mr.N.Nagendran,
Special Public Prosecutor for CBI Cases
For Respondents 3&4: Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor
For Respondent No.5 : No Appearance
For Respondents 6&7 : Mr.S.Palani Velayutham

COMMON ORDER

The poor depositors, who have lost heavily after investing their life savings in HBN Dairies & Allied Limited run by Ammandeep Singh Sran, S/o.Harmander Singh Sran, who is the principal accused in three crime numbers, viz., Crime No.3 of 2015 on the file of Economic Offences Wing, Madurai, Crime No.9 of 2015 on the file of Economic Offences Wing, Trichy and Crime No.2 of 2016 on the file of Economic Offences Wing, Tirunelveli, have come forward with the present petitions seeking transfer of investigation of the three crime numbers to the Central Bureau of Investigation.

2. Three crime numbers have been registered in three Districts on account of the complaints lodged by depositors in each District alleging that HBN Dairies & Allied Limited had collected deposits from them and had failed to return the deposits. All the three First Information Reports have been registered for the offences under Sections 120-B, 406, 420 of the Indian Penal Code and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997. In all the three First Information



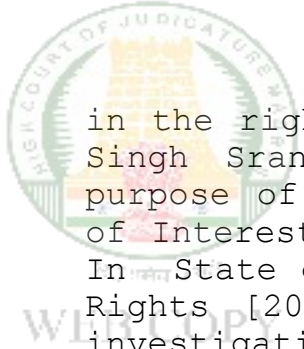
Reports, Ammandeep Singh Sran has been shown as accused and the co-accused are the Manager and others, who were running the business on his behalf. The police in Tamil Nadu were not able to proceed further with the investigation, since they were not able to secure Ammandeep Singh Sran, as he has been lodged in the Central Prison, Raipur, Raipur District, Chhattisgarh, for more than one year. The police moved the Special Court for TNPID Act Cases, Madurai, for issuance of Prisoner Transit warrant under Section 267 of the Code of Criminal Procedure for causing production of Ammandeep Singh Sran from the Central Prison, Raipur. The warrant was served on the Superintendent, Central Prison, Raipur and the Superintendent, by his proceedings dated 17.03.2016, has expressed his inability under Section 269 of the Code of Criminal Procedure to produce Ammandeep Singh Sran, before the Special Court for TNPID Act Cases, Madurai, on the ground that there are cases pending against him in the State of Chhattisgarh, Madhya Pradesh and New Delhi. He has further undertaken to produce him before the TNPID Court, in the event of the prisoner being released on the orders of the Courts where the cases are pending.

3. While so, it is seen that Ammandeep Singh Sran has filed Crl.O.P.(MD)Nos.2808 of 2018, 2809 of 2018 and 2810 of 2018 under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in the three cases registered against him in Tamil Nadu on the ground that the High Court of Madhya Pradesh has granted bail to him in those cases.

4. On a perusal of the Criminal Original Petitions and connected records, it is seen that Ammandeep Singh Sran is still in the Central Prison, Raipur, as could be seen from the vakalat that has been executed by him before the Superintendent of Prison, Central Prison, Raipur. In such view of the matter, this Court is of the view that it may be necessary to issue the following direction to the Superintendent of Prison, Central Prison, Raipur, Chhattisgarh State:

"The Superintendent of Prison, Central Prison, Raipur shall not release Ammandeep Singh Sran, S/o.Harmander Singh Sran from custody even if he has been granted bail by the Courts in other States and in execution of the Prisoner Transit warrant issued by the Special Court for TNPID Act Cases, Madurai, produce him before the Special Court for TNPID Act Cases, Madurai. On such production, it is open to the Tamil Nadu State police to intervene and take further proceedings in the three pending cases against him."

5. The prayer in these three petitions is for transfer of the three crime numbers to the Central Bureau of Investigation for further investigation on the ground that the State Police have not properly investigated the cases. Per contra, the status report filed by the State Police shows that the investigation has been going on



in the right lines and that they were not able to secure Ammandeep Singh Sran for identifying the properties in his name for the purpose of attachment under Section 3 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997. In *State of West Bengal vs. Committee for Protection of Democratic Rights* [2010(3) SCC 571], the Supreme Court has stated that CBI investigation should not be ordered as a matter of routine.

6. In view of the above, this Court is of the opinion that this is not a fit case to order transfer of investigation to Central Bureau of Investigation at this stage. It is always open to the petitioners to approach this Court once again for transferring the cases to Central Bureau of Investigation, if, after securing Ammandeep Singh Sran, the State Police fail to conduct the investigation in a proper manner.

7. With the above direction, these Criminal Original Petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

Copy to:-

- (i) The Chief Judicial Magistrate,
Raipur District, Chhattisgarh State.
- (ii) The Superintendent of Prison,
Central Prison, Raipur,
Chhattisgarh State.
- (iii) The Special Court for TNPID Act Cases,
Madurai.

To

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8.The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

9.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

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

+One cc to M/s.M.Kalamurugappan, Advocate, SR.No.50309

+One cc to Mr.S.Palani Velayutham, Advocate, SR.No.50342

SML

RL/16C/6P/KKR/SAR2/9/3/2018

Common Order made in
Crl.O.P.(MD)Nos.18312 to 18314 of 2016