

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.26574 of 2013

S.Ravi Rathinam

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
J-2, Adyar Police Station,
Adyar, Chennai - 600 020.

2. The Inspector of Police,
CB-CID, Alandur Municipal Building,
Municipal Complex, Alandur,
Chennai - 600 016.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.1339 of 2013 on the file of the first respondent to the second respondent.

For Petitioner : Mr.S.Senthil Murugan
- No Appearance

For Respondents : Mr.R.Surya Prakash
Govt. Advocate (Cr1.Side)

ORDER

The first respondent police has registered a case against named accused and others in Crime No.1339 of 2013 for the offence punishable under Section 381 of IPC. During pendency of the above case, the petitioner, being a defacto complainant, had filed this petition seeking transfer of the case from 1st respondent to 2nd respondent.

2 When the matter is called for hearing, there is no representation on behalf of the petitioner, since this petition is filed only seeking transfer of the case and the same is pending from the year 2013 without any progress, this Court has gone through the papers and is inclined to pass orders on merit.

3 The learned Government Advocate (Crl.Side) appearing for the respondents would submit that since money involved in this matter is worth about more than Rs.25.00 lakhs, the case was transferred to Central Crime Branch and charge sheet was also filed before the jurisdictional Magistrate and the Magistrate has returned the same raising some queries. The Central Crime Branch, has put a questions on the petitioner/defacto complainant, based on the queries raised by the Magistrate, but, the petitioner is not co-operating with the CCB.

4 Heard the learned Government Advocate (Crl.Side) appearing for the respondents and perused the materials available on record.

5 It is seen that the petitioner lodged a complaint against the named person and other accused and during pendency of the revision, since there is no considerable progress in the investigation, he approached this Court invoking Section 482 of Cr.P.C seeking transfer of investigation. But, the learned Government Advocate (Crl.Side) stated that already the case was transferred to CCB, since money involved in this matter is worth about more than Rs.25.00 lakhs and charge sheet was also filed and the same was returned raising some queries and the petitioner did not co-operate for the same.

6 The petitioner sought transfer of the case to the CB CID, since there is no considerable progress in the investigation and the case now pending on the file of CCB for more than five years. Therefore, this Court is inclined to transfer the case to the CB CID as prayed for by the petitioner.

7 Accordingly, the criminal original petition is allowed and the Inspector of Police, Central Crime Branch, EDF-I, Team - I Vepery, Chennai-600 007, is hereby directed to handover the entire case records in Crime No.1339 of 2013 to the second respondent herein within a period of one week from the date of receipt of a copy of this order and the second respondent is directed to investigate into the matter and file a final report in accordance with law within a period of three months from the date of receiving the case file.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cgi

To

1. The The Inspector of Police,
J-2, Adyar Police Station,
Adyar, Chennai - 600 020.
2. The Inspector of Police,
CB-CID, Alandur Municipal Building,
Municipal Complex, Alandur,
Chennai - 600 016.
3. The Public Prosecutor, High Court of Madras.
4. The Inspector of Police, Central Crime Branch,
EDF-I, Team - I Vepery, Chennai-600 007

+1 cc to Mr.S.Senthil Murugan, Advocate, S.R.No.81241

Crl.O.P.No.26574 of 2013

SSD(CO)
SSM(23/09/2019)