

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.688 of 2012

Mr.Ramakrishnan

... Petitioner

vs.

1. State rep. by its Inspector of Police,
District Crime Branch, Salem District.
2. Albert
Assistant Executive Engineer,
Agricultural Engineering Department,
Gandhi Nagar, Attur, Salem District.
3. K.Chinnappan,
Assistant Engineer,
Assistant Executive Engineer Office,
Agricultural Engineering Department,
Gandhi Nagar, Attur, Salem District.
4. Saravanan
Administrative Director,
South East Farm Equipments Private Limited,
214/94-C, Trichy Main Road,
Thammampatty, Gangavalli Taluk,
Salem District.

... Respondents

The Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C, to call for records relating to the order passed by the learned Judicial Magistrate No.II, Attur, in Crime No.42 of 2011 dated 11.06.2012 and quash the same by allowing the criminal revision case.

For Petitioner : Mr.C.S.Dhanasekaran for
m/s.C.S.Associates

For Respondents: Mr.T.Shanmugarajeswaran
Govt. Advocate (Crl.Side) for R1
Mr.K.V.Sridharan for R4

ORDER

This criminal revision has been filed by the complainant against the order of rejection of his complaint by the learned Judicial Magistrate No.II, Attur, Salem, dated 11.06.2012.

2 The learned counsel appearing for the petitioner/complainant would submit that the petitioner is an agriculturist and had earlier purchased one Tract Type Combine Harvester for Paddy Model Preet 949 on 31.05.2010 from the fourth respondent Company by spending huge sum of Rs.19,50,000/- out of his savings and obtaining loan and also pledging his wife's jewels. The Harvester has also been delivered and subsequently got some problems and rectified by the fourth respondent Company. The Government of Tamil Nadu has passed a new scheme called "National Agriculture Development Programme 2010-2011 Popularisation of Agricultural Machinery - Supply and Distribution of Combine Harvester to the farmers", providing Rs.4,00,000/- as subsidy. The petitioner approached the first respondent to buy Harvester under the said scheme and he was directed to deposit the balance consideration of Rs.15,39,600/- and the petitioner also deposited the same. The petitioner, after waiting for a long time, approached the first respondent for delivery of the Harvester, but he was informed that already Harvester has been delivered and subsidy has also been disbursed. Therefore, the petitioner filed a complaint narrating the incidents, but the respondent police after investigation, colluding with the respondents officials, closed the case as mistake of fact and the learned Magistrate also recorded the same and did not take the complaint on file. Therefore, the petitioner is before this Court, seeking to set aside the order.

3 Counters have been filed by the fourth respondent and also by the first respondent police. This Court has carefully perused the same and also perused the entire records.

4 It is seen that the petitioner, being an agriculturist, had approached the first respondent to purchase a Harvester under the Scheme introduced by the Government of Tamilnadu availing Rs.4,00,000/- as subsidy. It is contended by the learned counsel for the petitioner that he deposited the amount as directed by the second respondent and they did not deliver the Harvester and thereby cheated the petitioner and also swindled public money and prayed for taking action against them, but the first respondent police colluding with them, had closed the case as mistake of fact and the learned Magistrate also recorded the same. On reading of the allegations made by the petitioner against the respondents, and the counters filed by the first respondent and the fourth respondent, this Court

suspects that officials of the Department concerned colluding with farmers and 4th respondent, would have swindled the public exchequer and hence even if the order impugned in this revision is set aside and further investigation is ordered, the truth will not come into light, if the matter is again investigated by the respondent police.

5 Therefore, this Court is of the view that it would be appropriate to refer the matter to the Central Bureau of Investigation, since public exchequer is involved in this matter. Accordingly, the order dated 11.06.2012 in Crime No.42 of 2011 is set aside and the matter is transferred to the Central Bureau of Investigation for investigation into the matter. The respondent police is directed to hand over the entire case bundles to the Joint Director, Central Bureau of Investigation, South Region Chennai, within a period of one week from the date of receipt of a copy of this order. The CBI is directed to investigate into the matter not only with the petitioner's case alone and also investigate how many farmers applied and how many of them got subsidy under the scheme mentioned supra and whether the subsidies disbursed by the second and third respondents had reached the right destination and file a report on the same within a period of six months from the date of receipt of a copy of this order.

6 The criminal revision case is allowed with the above directions.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Attur.
2. The Additional Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
District Crime Branch, Salem District.

4. The Joint Director,
Central Bureau of Investigation,
South Region, Chennai.
5. The Director,
Central Bureau of Investigation,
New Delhi.
6. The Section Officer,
Criminal Section, High Court, Madras.

+1 cc to M/s.K.V.Sridharan, Advocate, S.R.No.59984

+1 cc to M/s.C.S.Associates, Advocate, S.R.No.59648

Cr1.R.C.No.688 of 2012

SSV(CO)
SSM(19/07/2019)



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