

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.9772 of 2019

Monish

Petitioner

vs.

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Chennai.
3. The Sub-Inspector of Police,
Sooramangalam Police Station,
Salem City.

Respondents

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer of the investigation relating to Crime No.141 of 2019 now pending on the file of 3rd respondent viz., Sooramangalam to the Deputy Superintendent of Police CB-CID, Salem City.

For Petitioner : Mr.S.Kalyanaraman

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed seeking for transfer of investigation in Crime No.141 of 2019 pending on the file of the 3rd respondent.

2. The 1st and 2nd respondent are not necessary parties in this petition and their names are deleted.

3. The case of the petitioner is that cashew kernel weighing approximately 16 Kgs valued at Rs.15 lakhs was stolen while in transit. The petitioner had given a complaint to the 3rd respondent and an FIR came to be registered in Crime No.141 of 2019 for an offence under Section 379 of IPC. Since the

investigation was not proceeding in an effective manner, the present petition has been filed seeking for transfer of investigation.

4. The respondent police have filed a status report before this Court explaining the various steps taken in the course of investigation. Surprisingly the status report states that the investigation is still pending, but however, a clean chit has been given to A1 and A2 on the ground that no substantial evidence is found against the A1 and A2 for having committed the crime.

5. The learned counsel for the petitioner submitted that even without the completion of the investigation, the respondent police cannot come to such a conclusion and that itself shows that the investigation is not conducted properly.

6. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the investigation is proceeding further in a proper manner and there are no grounds to transfer the investigation as sought for by the petitioner.

7. This Court has carefully considered the submissions made on either side and also the materials available on record.

8. This is a case where goods have been stolen during transit. Out of 14000 Kgs of cashew kernel, 16 kgs contained in 80 boxes have been stolen and the value of the stolen goods is nearly 15 Lakhs. The petitioner suspects the lorry driver and the cleaner since without their connivance this theft could not have happened. However, the status report filed by the 3rd respondent shows that the investigation is pending, but however, A1 and A2 are not involved in the offence. It is not known as to why the 3rd respondent came to such a conclusion even when the investigation is pending. This Court is not satisfied with the manner in which the investigation is going on in this case.

9. There shall be a direction to the 3rd respondent to handover the entire case diary in Crime No.141 of 2019 to the Deputy Commissioner of CCB, Salem within a period of two weeks from the date of receipt of copy of this order and the Deputy Commissioner, CCB, Salem is directed to allot this case to a team headed by the Inspector of Police, which shall proceed with the investigation effectively and complete the investigation as expeditiously as possible and file a final report before the concerned Court.

10. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Chennai.
3. The Sub-Inspector of Police,
Sooramangalam Police Station,
Salem City.
4. The Public Prosecutor,
High Court, Madras.
5. The Deputy Commissioner,
CCB, Chennai.

+1 cc to Mr.S.Kalyanaraman, Advocate, S.R.No.55542

NRL(CO)
SSM(30/07/2019)

Cr1.O.P No.9772 of 2019

सत्यमेव जयते

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