

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-08-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2428 of 2019

S.Julius

...Appellant

-vs-

1. The Director,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Lodhi Road, New Delhi-110 003.
2. The Joint Director of Head of Zone,
Central Bureau of Investigation,
III Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
4. M/s.Tecpro Systems Ltd.
5. Mr.Venkatesan Sankaranarayanan.

... Respondents

Appeal under Clause 15 of the Letters Patent against the Order, dated 04.06.2019, passed in W.P.No.8958 of 2019 on the file of this Court.

W.P.No.8958 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus Directing the 1st and 2nd respondents to inquire into and investigate the siphoning diversion and misappropriation of various funds from many public sector banks financial institutions operational creditors and the resultant scam caused by the erstwhile Directors/Promoters of the 4th respondent company who are the direct/indirect beneficiaries whose accounts of the said company is being scrutinized by the 5th respondent.

For Appellant : Mrs.Sudarsana Sundar

For Respondent 3 : Mr.A.N.Thambidurai,
Spl.Govt.Pleader.

JUDGMENT
(By Dr.Vineet Kothari,J.)

This Intra Court Appeal has been filed by one Mr.S.Julius, Son of Mr.S.M.Sevugan, Proprietor of CJP Industries, Trichy, seeking a direction to the Central Bureau of Investigation (CBI) to investigate into the alleged frauds committed by the Fourth Respondent Company - M/s.Tecpro Systems Ltd.

2. The learned Single Judge, by the order impugned before us, dated 04.06.2019, passed in W.P.No.8958 of 2019, has given liberty to the Appellant-writ petitioner to proceed in accordance with law before the appropriate forum.

3. Learned counsel for the Appellant has drawn our attention towards the Communication, dated 16.04.2019, written by Central Bureau of Investigation (CBI), Chennai, forwarding the complaint of the Appellant by the Superintendent of Police, CBI., Economic Offences Wing, Chennai, to Chief Vigilance Officer, SBI, Mumbai, vide Letter No.C6/CAME12016E0017/39, dated 29.03.2017, and the matter, thereafter, seems to have been rested there.

4. Having heard the learned counsel for the Appellant, we are of the opinion that the Appellant is free to take recourse to the ordinary legal procedure either under the provisions of the Criminal Procedure Code or to approach the authority concerned of the Central Government for investigating into the affairs of the Fourth Respondent Company- M/s.Tecpro Systems Ltd.

5. Writ jurisdiction, for the purpose of the above kind, cannot be invoked to straightaway issue directions to either CBI or any other investigating agency to inquire into the alleged affairs of the Fourth Respondent Company.

6. With the aforesaid liberty to the Appellant, this Writ Appeal is disposed of. No costs. Consequently, the connected C.M.P.No.15947 of 2019 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Director,
Central Bureau of Investigation,
Plot No.5-B, CGO Complex,
Lodhi Road,
New Delhi-110 003.
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3. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.

+1cc to Mr.B.Ravi Raja, Advocate, S.R.No.66163
+1cc to the Government Pleader, S.R.No.66329

W.A.No.2428 OF 2019

KS(CO)
CS/19/09/2019

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