IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.27358 of 2017

Redington (India) Limited
Having office at
Centre Point, Plot No.8 & 11,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai-600 032.
Rep. by its Legal Manager/
Authorized Representative
Raja Mani.K ...Petitioner

Vs.

1. State rep. by
The Commissioner of Police,
Commissioner Office, Vepery,
Chennai-600 007.
2. State rep. By
Sub Inspector of Police,
CCB Team-I, Commissioner of
Police Office, Vepery, Chennai.
(Crime No.310 of 2017) ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to pass an order withdrawing the FIR in Crime No.310 of 2017 from the file of 2nd respondent and transfer it to CBI or any other agency.

For Petitioner : Mr. A.E.Lakshminarayanan

For Respondents : Mr. C.Raghavan
Government Advocate

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.310 of 2017 pending on the file of the 2nd respondent.

2. It is the case of the petitioner that the accused persons with a common intention to cheat the petitioner, approached the

petitioner company and sought for supply of mobile phones and its accessories on credit basis. The accused persons also submitted two bank guarantees each for a sum of Rs.1 Crore as if it was issued by Axis Bank. The petitioner supplied the mobile phones and the accessories on the basis of the bank guarantees furnished by the accused persons.

3. Later, the petitioner came to know that both the bank guarantees are forged documents and it was never issued by Axis Bank. A complaint was given by the petitioner and the same was forwarded to the Central Crime Branch and an FIR was registered in Crime No.310 of 2017 for the offences under Sections 420, 465, 467, 468, 471 IPC. The accused persons were arrested and later, released on bail.

4. The learned counsel for the petitioner submitted that on enquiry, it came to be known that the forged bank guarantees of Axis Bank was fabricated from spoofed e-mail ids emanating from Czechoslovakia. The learned counsel further submitted that similar offences have been committed by the accused persons with regard to HDFC Bank also and therefore, the present case has international ramifications. The learned counsel submitted that curiously, in this case, based on the representation made by one of the accused person to the National Human Rights Commission and based on the letter of the National Human Rights Commission, the case was transferred by the Director General of Police to the file of the CBCID. The transfer was made vide proceedings dated 24.07.2018. The learned counsel therefore submitted that the investigation is not progressing in the right way and therefore, it has to be transferred to the file of another agency.

5. The 2nd respondent has filed a counter before this Court explaining the progress of investigation and the various witnesses who have been examined by the police. It is also mentioned in the counter affidavit that the investigation is still in progress and some more witnesses will have to be examined and relevant documents has to be collected from them.

6. The learned Government Advocate apart from reiterating the stand taken by the 2nd respondent in the counter affidavit, submitted that since the issue involved requires investigation to be conducted by an agency which specialises in Cyber Crimes, the investigation can be transferred to the file of the Cyber Crimes, CBCID.

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

8. As rightly contended by the learned counsel for the

petitioner, the allegations contained in the complaint requires thorough investigation since the accused persons have forged and fabricated bank guarantees as if it was issued by private banks like Axis Bank and HDFC bank. If this goes on without check, it is only a matter of time that the accused persons will start accessing even the Nationalized Banks and the same will have a very damaging effect on the economy. These are the offences which requires to be investigated thoroughly by a specialized agency dealing with Cyber Crimes.

9. In the facts and circumstances of the case, this Court is of the considered view that the regular CBCID may not be in a position to investigate this case effectively since it involves some international ramification. In this case, the forged and fabricated bank guarantee is said to have emanated through a spoofed e-mail id from Czechoslovakia.

10. The Director General of Police, CBCID,Chennai is directed to immediately transfer the case diary to the file of the Cyber Crimes,CBCID who shall take up the investigation immediately and take statements from all the witnesses including bank officials of Axis Bank and HDFC Bank and complete the investigation within a period of six months from the date of receipt of copy of this order and file a final report before the concerned Court.

11. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To
1. The Director General of Police,
CBCID, Chennai.

2. The Commissioner of Police,
Commissioner Office, Vepery,
Chennai-600 007.

3. The Sub Inspector of Police,
CCB Team-I, Commissioner of
Police Office, Vepery, Chennai.

4. The Public Prosecutor,
   High Court of Madras.

+1 cc to Mr.A.E.Lakhmi Narayanan, Advocate, Sr.No. 54662

CRL.O.P No.27358 of 2017

PA(CO)
CSL/31.07.2019