

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 400 of 2020

Zachariah Paul Polachirakal

.. Petitioner

vs.

1.The State represented by
Commissioner of Police - Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

2.Inspector of Police,
CCB-I, EDF-II,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Joint Director,
Central Bureau of Investigation,
III Floor, E.V.K. Sampath Building,
College Road,
Chennai - 600 006.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondents herein to transfer the case in Crime No.453 of 2017 on the file of second respondent herein to a specialized agency namely the third respondent, the Central Bureau of Investigation.

For Petitioner : Mr. R.Shanmugasundaram
for Mr. S.Manuraj

For Respondent -1&2 : Mr. S.Karthikeyan
Additional Public Prosecutor

For Respondent -3 : Mr. K.Srinivasan
Special Public Prosecutor for C.B.I.

ORDER

This Writ Petition has been filed for direction directing the respondents herein to transfer the case in Crime No.453 of 2017 on the file of second respondent herein to a specialized

agency namely the third respondent, the Central Bureau of Investigation.

2. Learned counsel for the petitioner submitted that on a complaint lodged by the petitioner, the second respondent herein registered a case in Crime No.453/17 for the offence under Section 406, 420 & 506(1) IPC. He further submitted that there are very serious allegations in the complaint since the accused persons have cheated a very huge amount from the petitioner, even though, the second respondent did not taken any steps against the accused persons and no amount has been recovered from the accused persons till today and the matter has been kept pending for the past three years.

3. Learned Additional Public Prosecutor submitted there are totally two accused and the first accused was arrested and remanded to judicial custody and subsequently, he was detained in Gundas. He further submitted that, the second respondent is searching for the second accused and lookout circular has been issued against the second accused and it is pending. The second respondent also filed a status report in this regard. He further submitted that so far, they have examined eight persons and investigation is in progress.

4. Considering the above submissions, at this stage, the change of investigation would affect the entire investigation done by the second respondent. However, the second respondent is directed to complete the investigation and file final report within a period of twelve weeks from the date of receipt of copy of this order. The first respondent herein is directed to monitor the investigation done by the second respondent and ensure that the second respondent comply with the order passed by this Court.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bkn

To

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

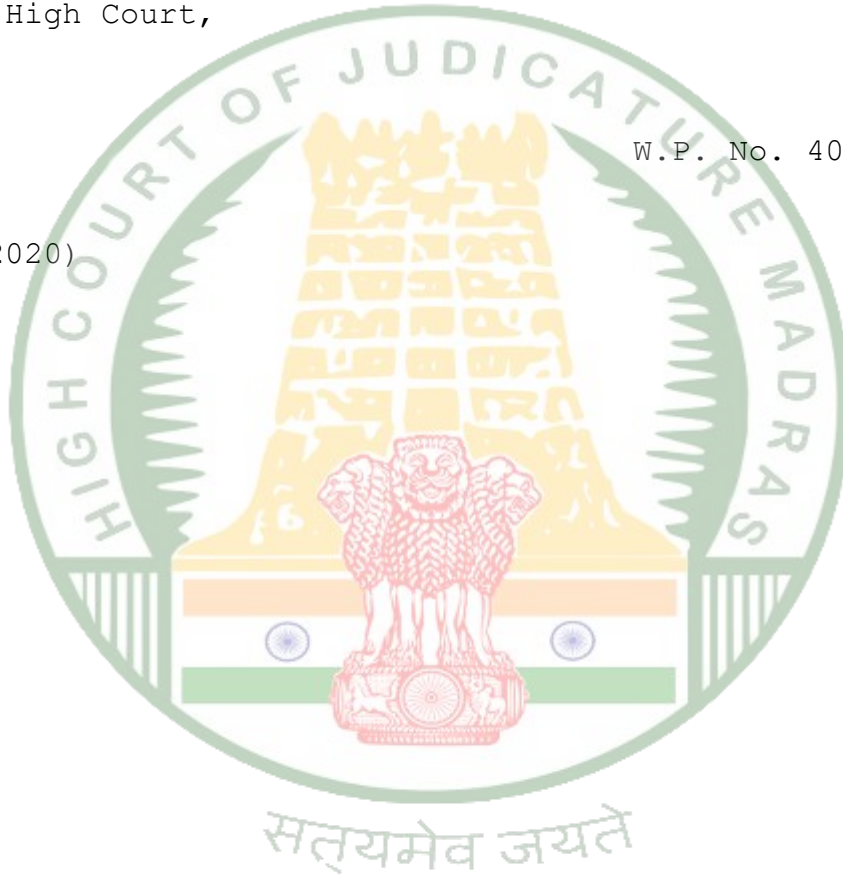
2.The Inspector of Police,
CCB-I, EDF-II,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Joint Director,
Central Bureau of Investigation,
III Floor, E.V.K. Sampath Building,
College Road,
Chennai - 600 006.

4.The Public Prosecutor,
Madras High Court,
Madras.

W.P. No. 400 of 2020

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