



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)Nos.9384 and 4228 of 2020

Crl.O.P. (MD)No.9384 of 2020:-

- 1.P.Malliga
- 2.A.M.Marikannan
- 3.A.Balasubramanian
- 4.P.Thaj
- 5.M.Mariammal
- 6.A.Aprose
- 7.T.Pandian

... Petitioners

Vs.

- 1.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai.
- 2.The Commissioner of Police,
Madurai District Commissioner Office,
Madurai.
- 3.The Superintendent of Police,
CBCID,
No.7, Chinnachokkikulam,
Kamarajar Salai,
Madurai.
- 4.The Inspector of Police,
Thallakulam Police Station,
Madurai.

- 5.Gopinath, S/o.Bandurangan

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondents 1 and 2 herein to transfer the investigation of the case in Crime No.303 of 2019 from the file of the fourth respondent to the file of the third respondent.

For Petitioners : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions

For R1 to R4 : Mr.S.Chandrasekar
Additional Public Prosecutor

Crl.O.P. (MD)No.4228 of 2020:-

Senna Kesavan S/o.Kathiresan

... Petitioner



Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai.

4.The Deputy Superintendent of Police,
CBCID,
No.7, 1st Kamarajar Street,
Chinna Chokkikulam,
Madurai District.

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to issue a direction to transfer the investigation of the case in Crime No.303 of 2019 from the file of the third respondent to the file of the fourth respondent, for conducting fair and impartial investigation.

For Petitioner : Mr.S.Chellapandian

For R1 to R4 : Mr.S.Chandrasekar
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking direction, to direct the respondents 1 and 2 to withdraw the investigation in Crime No.303 of 2019, from the file of the Inspector of Police, Thallakulam Police Station, Madurai City, Madurai, and to entrust the same to the Superintendent of Police, CBCID, Madurai, for proper investigation.

2.The learned counsels appearing on behalf of the petitioners would submit that though the case has been registered in the month of February 2019, so far none of the accused has been identified and arrested and also none of the stolen property has been recovered by the investigation officer. They would further submit that in the occurrence, 1492 sovereigns of gold jewels and Rs.9,00,000/- cash were stolen away. Therefore, considering the gravity of the offence committed, it is necessary to change the investigation from the hands of the Inspector of Police, Thallakulam Police Station,



Madurai City, Madurai, to the hand of the Superintendent of Police, CBCID, Madurai.

3. In response to the submissions made by the learned counsels appearing for the petitioners, the learned Additional Public Prosecutor appearing for the respondents Police, would submit that though so many suspected persons were interrogated by the investigation officer, no clue has been obtained so far. Further, the learned Additional Public Prosecutor has produced the status report and typed set of papers and made a submission as, after registration of the case, 100 persons were interrogated by the respondent Police. Further, the persons, who are available in the C.C.T.V. Footage, have also been examined, but unfortunately, nothing has been identified and therefore, further time is necessary for securing the accused and also for recovering the stolen properties.

4. Upon considering the arguments advanced by the learned counsel appearing on either side, no doubt, due to the alleged offence number of depositors, who received loan from the de-facto complainant by pledging their gold jewels, had suffered a lot, like anything. Therefore, it cannot be said that the alleged occurrence narrated by the petitioners in these Petitions, is an ordinary one. Hence, it is necessary to take much effort by the respondent Police. One another aspect, which has to be taken note of in these Criminal Original Petitions is, since the case was registered in the year 2019, there may be a possibility to erase the evidence and also to sell the stolen property to some other persons by the accused. The said facts and circumstances would reveal the fact that some monitoring mechanism is necessary for completing the investigation in this matter. Hence, it would be appropriate to issue a direction to the Commissioner of Police, Madurai City, Madurai, to monitor the investigation in the case. Accordingly, the Commissioner of Police, Madurai City, Madurai, is directed to monitor the investigation periodically till the filing of filing report in Crime No.303 of 2019, on the file of the Inspector of Police, Thallakulam Police Station, Madurai. The investigation officer is directed to nab the accused and retrieve the stolen property as quickly as possible.

5. These Criminal Original Petitions are disposed of with the above directions.

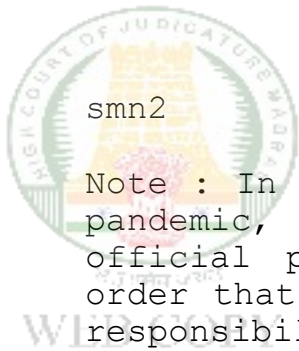
Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director General of Police,
Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai.

2.The Commissioner of Police,
Madurai District Commissioner Office,
Madurai.

3.The Superintendent of Police,
CBCID,
No.7, Chinnachokkikulam,
Kamarajar Salai,
Madurai.

4.The Deputy Superintendent of Police,
CBCID,
No.7, 1st Kamarajar Street,
Chinna Chokkikulam,
Madurai District.

5.The Inspector of Police,
Thallakulam Police Station,
Madurai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-16578[F] dated 11/09/2020)

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VB (17.09.2020) 4P 8C