



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE **R. PONGIAPPAN**

Crl.O.P. (MD)No.9711 of 2020

V.Kiruba Victor

... Petitioner /Defacto Complainant

Vs

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli City.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation in connection with the Crime No.26 of 2019 on the file of the third respondent, to some other competent investigation officer other than the 3rd respondent, on the basis of the petitioner's representation dated 13.03.2020.

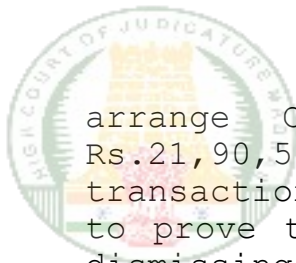
For Petitioner : Mr.R.Pon Karthikeyan
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to to transfer the investigation in connection with the Crime No.26 of 2019 on the file of the third respondent, to some other competent investigation officer, other than the third respondent, on the basis of the petitioner's representation dated 13.03.2020.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel appearing for the petitioner submitted that during the time of occurrence, all the accused in the above referred Crime No.26 of 2019, cheated the petitioner's Trust to the tune of Rs.21,90,500/-, by giving a false promise that they would



arrange CSR funds to her Trust. The aforesaid amount of Rs.21,90,500/- was sent to the first accused through bank transaction, on various dates and the petitioner got bank statements to prove the same. He further submitted that while at the time of dismissing the bail application filed by the first accused, he was secured by the third respondent. This Court, in Crl.O.P(MD).No.19069 of 2019, observed the necessity of completion of investigation and directed the third respondent to file a final report immediately. Though the said direction has been issued to the third respondent, he has not yet completed the investigation and file a final report. Therefore, it is sufficient to direct the second respondent to monitor the investigation.

4.In response to the submission made by the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that after the registration of the case, the first accused has been secured and remanded to judicial custody. Thereafter, a letter was sent to the bank authorities for getting a report, in respect of the alleged transactions made between the petitioner and the accused. In the meanwhile, due to Covid-19, the Investigation Officer is not in a position to complete the enquiry. Further, the respondent police assured that the investigation will be completed as early as possible.

5.Considering the submissions made on either side, since the petitioner herself is asking for a direction to the second respondent to monitor the investigation, this Criminal Original Petition is disposed of with a direction to the 2nd respondent to monitor the investigation conducted by the 3rd respondent in Crime No.26 of 2019. Furthermore, since the offences committed by the accused are serious in nature, the third respondent police is directed to complete the investigating as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

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

<https://hcservices.mca.gov.in/hcservices/> of the advocate/litigant concerned.



To

- 1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 2.The Assistant Commissioner of Police,
City Crime Branch,
Tirunelveli City.
- 3.The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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