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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2021

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.17787/2021

[Physical Hearing]

N.Gurumurthy

... Petitioner/Defacto Complainant

Versus

1.State rep. by

The Superintendent of Police,
Vigilance & Anti-Corruption-Police Unit,
No.271, M.G.Road, Muthialpet,
Pondicherry.

2.State rep. By

The Inspector of Police,
Grand Bazaar Police Station,
Pondicherry.

3.State rep. By

The Superintendent of Police(East),
J.N. Street,
Pondicherry.

... Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an order by transferring the investigation from the Respondent No.2 herein to the Superintendent of Police, V & AC, Pondicherry or to any other competent investigation agency for reinvestigating the case in CC.No.500/2020 pending on the file of the learned Chief Judicial Magistrate, Pondicherry.

For Petitioner : Mr.A.V.Somasundaram

For Respondents : Mr.Balamurugane
Additional Public Prosecutor
[Puducherry]

ORDER

(1) The present petition has been filed under Section 482 of Cr.P.C., seeking transfer of investigation from the 2nd



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respondent/Inspector of Police, Grand Bazaar Police Station at Puducherry, to any other competent Investigating Agency for re-investigating the case in which pursuant to Final Report filed, cognizance has been taken by the learned Chief Judicial Magistrate, Puducherry, as CC.No.500/2020.

- (2) The matter had been coming up before me on previous occasions and on 01.10.2021, when it came up, the learned Additional Public Prosecutor for Union Territory of Puducherry who appeared, requested time to file a counter.
- (3) Thereafter, the matter came up again on 06.10.2021 and further time was granted. The matter again came up on 08.10.2021 and this Court wanted a further Status Report being unsatisfied with the Status Report being filed by the 2nd respondent/Inspector of Police, Grand Bazaar Police Station, Puducherry. A direction was also given that the Director of Prosecution of Union Territory of Puducherry, should also appear before this Court since he appears to have given an opinion with respect to the course in which the investigation should proceed.
- (4) Today, Mr.Balamurugane, learned Additional Public Prosecutor for Union Territory of Puducherry had forwarded a Report filed by the Under Secretary [Law], Law Department, Puducherry wherein, it had been categorically stated that the accused is liable to be charged under Section 7 A and 13 of the Prevention of Corruption Act, 1988.
- (5) In view of that particular development, further investigation is required and further investigation is directed with respect to Crime No.13/2019 filed by the 2nd respondent/Inspector of Police, Grand Bazaar Police Station, Puducherry. Naturally, the investigation will now to be done by the Vigilance & Anti-Corruption, Special Wing, Union Territory of Puducherry.
- (6) A direction is given to the said Investigating Agency to examine the complaint given by the petitioner herein and investigate further the allegations. In view of this particular fact, taking cognizance of the Final Report as CC.No.500/2020 and proceeding further would become redundant.
- (7) Therefore, since cognizance has been taken, let the learned Chief Judicial Magistrate, Puducherry, keep further proceedings in CC.No.500/2020 in abeyance and await a further Report from the Special Wing, Vigilance & Anti-



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Corruption, Union Territory of Puducherry, to whom investigation has now been transferred by the order of this Court and thereafter, proceed further with the said Calendar Case either by incorporating the offences which are included by the Investigating Agency or otherwise.

- (8) During the course of further investigation, the Special Wing, Vigilance & Anti-Corruption, Union Territory of Puducherry may also issue notice and examine the petitioner herein, even if he had already been examined by the Inspector of Police, Grand Bazaar Police Station, Puducherry, and record the further statement from the petitioner.
- (9) With these observations, the present Criminal Original Petition is closed.
- (10) The learned Chief Judicial Magistrate, Puducherry may keep further proceedings in CC.No.500/2020 in abeyance and await further Report from the Special Wing, Vigilance and Anti-Corruption, Union Territory of Puducherry, with respect to the Crime No.13/2019. If required, the Special Wing, Vigilance and Anti-Corruption, Union Territory of Puducherry, may re-register the FIR and investigate further in manner known to law.

Sd/-

Assistant Registrar(CS IV)

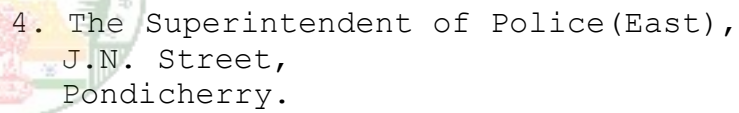
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Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
Pondicherry.
2. The Superintendent of Police,
Vigilance & Anti-Corruption-Police Unit,
No.271, M.G.Road, Muthialpet,
Pondicherry.
3. The Inspector of Police,
Grand Bazaar Police Station,
Pondicherry.



5. The Public Prosecutor
Union Territory Of Puducherry.

The Special Wing,
Vigilance and Anti-Corruption,
Union Territory of Puducherry.

+2CCs to Mr.A.V.Somasundaram, Advocate, Sr.No.55183
+1CC to Mr.Public Prosecutor, Puducherry, Sr.No.52474

Cr1.OP.No.17787/2021

NMI (CO)
K.RK. (12.11.2021)