



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD) No.8871 of 2021

K.Sakthikumar

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukottai District.
(Under Crime No.207 of 2021)

3.The Inspector of Police,
CBCID,
Pudukottai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation from the file of the 2nd Respondent to the 3rd Respondent in Crime No.207 of 2021.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

ORDER

This petition is filed to transfer the investigation from the file of the second respondent to the third respondent in Crime No.207 of 2021.

2. (i) The case of the petitioner is that he is working as Area Credit Manager of HDB Financial Services Company. There was a theft of gold jewels pledged by the customers in HDB Financial Services Company, Pudukottai Branch, from 01.09.2021 to 21.04.2021. In respect of which, case has been registered, in Crime No.207 of 2021, for the offence punishable under Section 381 of IPC. Later, it was altered to offences under Sections 381, 120(b), 411, 414, 381 and 34 of IPC. Subsequently, investigation was undertaken. But, thereafter, it has not been taken in the proper way and no gold Jewels have been recovered sofar. The value of the Gold Jewels that has been stolen is worth about Rs.1 crore. Nearly, 74 customers were affected by this offence.

(ii) On the earlier occasion, by the order dated 04.03.2020, this Court cancelled the bail, which has been granted to the accused and transferred the investigation to CBCID for further investigation. The accused are having and holding Manager position in HDB Financial Services Company, Pudukottai Branch, they can access the records and evidence at any time and also can be destroyed them. The accused Nos.3 & 5 have

<https://hcservices.ecourts.gov.in/hcservices/>



obtained bail before the Trial Court. But, prosecution has not moved any application for cancellation of bail. Even though suppressing the fact, order has been obtained from the Principal Sessions Judge, Pudukottai.

(iii) It has been found that totally, 3148 grams gold jewels were missing in HDB Financial Services Company, Pudukottai Branch. The police have recovered only 2466 grams. Out of the recovered jewels 2466 grams, only 2045 grams are matching with the missing jewels. So, 1103 grams have to be recovered. But, regarding this, no steps have been taken by the Investigating Officer to take the accused in police custody. Due to the lack of proper investigation, by the learned Public Prosecutor to the Court, bail has been granted to the accused. So, on that ground, he seeks transfer of investigation from the file of the second respondent to the third respondent.

3. Heard both sides.

4. When the matter taken up for hearing, the learned counsel for the petitioner even though sought an order of investigation by the third respondent namely, CBCID, the investigation was ordered to be maintained by the first respondent namely, the Superintendent of Police, Pudukottai District is also enough.

5. Considering the facts and circumstances of the case as well as the quantity of the jewels involved in the offence, I am of the considered view that a request made by the learned counsel for the petitioner seems to be reasonable and acceptable one and further, the request, on the side of the petitioner is that a direction may be issued to the second respondent to complete the investigation and file a final report, within a stipulated time by this Court.

6. The learned Additional Public Prosecutor seeks six months time to complete the investigation. But, however, considering the facts and circumstances of the case, four months time is granted to the second respondent to complete the investigation and file final report. The investigation should be undertaken by the second respondent under the direct supervision of the first respondent. After filing final report, compliance report should be submitted to the Registry of this Court.

7. This Criminal Original Petition is allowed to the extent above.

Sd/-

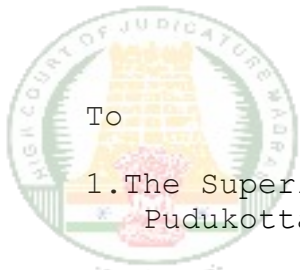
Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

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 Superintendent of Police,
Pudukottai District, Pudukottai.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar, Pudukottai District.
(Under Crime No.207 of 2021)

3.The Inspector of Police,
CBCID, Pudukottai District.

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

5.Section Officer,
Criminal Section,
Madurai Bench of Madras High Court.
(To want Compliance Report)

+1CC to M/s.M.Kannan, Advocate (SR24331)

Crl.O.P. (MD) No.8871 of 2021
28.07.2021

SSS

RS (09.08.2021) 3P-7C