



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD)No.12052 of 2021

WEB COPY

Muthoottu Mini Financiers Limited,
Shenkottai Branch,
Shenkottai,
Thenkasi District
Represented by its Regional Manager,
Mr.V.Senthil Kumar
S/o.I.Velapandi

... Petitioner

Vs

- 1.The Superintendent of Police,
Thenkasi District,
Thenkasi.
- 2.The Deputy Superintendent of Police,
CBCID,
Tirunelveli.
- 3.The Inspector of Police,
Shenkottai Police Station,
Shenkottai,
Thenkasi District.
(Crime No.170/2015)

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 3 to transfer the investigation in respect to the Crime in Crime No.170 of 2015 on the file of the third respondent police to the second respondent and further direct the second respondent to investigate the said crime and to lay charge sheet within the time frame stipulated by this Court.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

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

2. The defacto complainant in Crime No.170 of 2015 on the file of Shenkottai Police Station, Thenkasi District is the petitioner herein.

3. The case of the petitioner is that they are in finance business and that their branch manager by name one Shankar had



indulged in criminal breach of trust and misappropriation of the pledged jewellery. The jewellery weighing 2 kgs and 12 grams were misappropriated. Though the case was registered way back in the year 2015, till date, only 248 grams have been recovered. 1764 grams of gold is yet to be recovered. The main accused has given confession implicating his father also.

4. It is stated by the learned Additional Public Prosecutor that the father of the main accused was arrested in the year 2017. Expressing their lack of confidence, this Criminal Original Petition has been filed seeking transfer to CBCID.

5. I am of the view that transferring this case to CBCID may not really serve any purpose. This is for several reasons. The occurrence had taken place way back in the year 2015 and entrusting the investigating agency at this point of time may not yield the desired result. At the same time, I cannot help commenting that there has been a gross dereliction of duty on the part of the local police. I am not naming any particular person. But a case of this nature cannot be kept pending at the investigation stage for six years and more. A part of the jewellery had been recovered and the local police ought to have taken further action based on the confession given by the main accused. Nothing of the sort was done. The father of the main accused is said to have been arrested some two years after recording of the confession.

6. In these circumstance, there is force in the petitioner's contention that the local police are not interested in getting at the truth. Therefore, the first respondent is directed to withdraw the investigation from the file of the third respondent and entrust it to some other competent official. The jurisdictional ADSP will monitor the investigation. The final report shall be filed within a period of two months from today.

7. This Criminal Original Petition is disposed of with the aforesaid direction. 'For reporting compliance', list the matter on 07.01.2022.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

rmi

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



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,
Thenkasi District,
Thenkasi.
- 2.The Deputy Superintendent of Police,
CBCID,
Tirunelveli.
- 3.The Inspector of Police,
Shenkottai Police Station,
Shenkottai,
Thenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-33987[F] dated 10/11/2021)

Crl.O.P (MD)No.12052 of 2021
09.11.2021

RK/JC(11/11/2021) 3P 6C