



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6066 OF 2022

S.Zahir Hussain

...Petitioner

Vs.

1.The Commissioner of Police,
Chennai.

2.The Inspector of Police,
Thousand Lights Police Station,
Chennai.
(Cr.No.382 of 2021)

...Respondents

PRAYER : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, pleaded to transfer the investigation pending in Crime No.382 of 2021 on the file of the Inspector of Police, Thousands Lights to CBCID, Chennai Metro for the fair investigation to secure the end of justice.

For Petitioner : Mr.R.Sankarasubbu

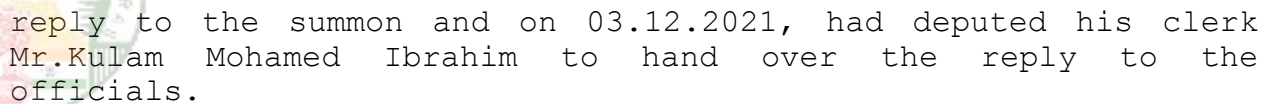
For Respondents : Mr.V.Meghanathan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking to transfer the investigation pending in Crime No.382 of 2021 on the file of the Inspector of Police, Thousands Lights to CBCID, Chennai Metro for the fair investigation to secure the end of justice.

2. The submissions of Mr.R.Sankarasubbu, the learned counsel appearing for the petitioner is as follows:-

(a) The petitioner is an Advocate, regularly appearing before the High Court and also Adjudicating Authorities under the Customs Act as well as the Customs Excise and Service Tax Appellate Tribunal. On 02.12.2021 at about 05.30 p.m., the officials of the Directorate of Enforcement (ED) conducted a search in the premises of one of the petitioner's clients and also issued a summon on the same day. After the petitioner's client have received the summon, the petitioner had prepared a



3. Mr.V.Meghanathan, learned Government Advocate (Crl.Side) would submit that there are three cases pending in respect of the incident. One is filed by the Sepoy of the Enforcement Directorate as against the petitioner and his clerk and another case has been registered based on the complaint given by the clerk of the petitioner. He would further submit that in respect of the very same incident, yet another case in Crime No.397 of 2021 has been registered, on the complaint of one Thiru.Logeshwaran, Superintendent, Directorate of Enforcement. He would also submit that the investigation is being done in the



fair manner in all the cases. He would further submit that if the petitioner is aggrieved, a direction may be issued to the superior officer to monitor the investigation.

4. At this juncture, learned counsel for the petitioner would submit that till date, no steps have been taken to secure the CCTV footage and the petitioner has a reasonable apprehension that the case will not be investigated in a proper and fair manner by the 2nd respondent.

5. Heard the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances and submission made by the learned counsel, this Court is of the opinion that it would not be proper for the 2nd respondent to investigate the case. In view of the above, the 1st respondent is directed to transfer the case, now pending on the file of the 2nd respondent to the Assistant Commissioner of Police, Nungambakkam Range, who shall secure the CCTV footage if available and investigate the case. The investigation shall be monitored by the Deputy Commissioner of Police, Triplicane Range and the investigation shall be completed as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

7. Accordingly, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

rgi/ham

To

- 1.The Commissioner of Police,
Chennai.
- 2.The Inspector of Police,
Thousand Lights Police Station,
Chennai.
- 3.The Assistant Commissioner of Police,
Nungambakkam Range.



4.The Deputy Commissioner of Police
Triplicane Range.

5.The Public Prosecutor,
High Court of Madras.

+2ccs to M/s.R.Sankarasubbu, Advocate Sr.No.18675

Cr1.O.P.No.6066 of 2022

SKM(CO)
RVM(28/03/2022)