

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.14239 OF 2022

G.S.Hemanth Kumar,
S/o.Seenivasan

...Petitioner

Versus

The State by

1.Dept. Commissioner of Police,
Central Crime Branch,
Chennai.

2.The Inspector of Police,
Central Crime Branch,
EDF-1, Team-1,
Chennai.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the present investigation in Crime No.103 of 2021 from 2nd respondent to Central Bureau of Crime Investigation Department, CBCID.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.A.Gokulakrishnan,
R1 & R2 Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to transfer the investigation in Crime No.103 of 2021 from 2nd respondent to CBCID.

2. The main grievance of the petitioner is that despite the order passed by this Court in Crl.O.P.No.20395 of 2021 eventhough the Deputy Commissioner of Police, Central Crime Branch, Chennai is directed to monitor the investigation, the investigation has not been completed.

3. Learned counsel for the petitioner would submit that except A1, other accused persons were not arrested. He would

further contend that the accused having admitted to repay the amount in the police station, he has not repaid the amount. Hence, no recovery of money has been made and the respondent police also not arrested the accused.

4. Learned Additional Public Prosecutor appearing for the respondents would submit that the investigation has been conducted and the same was monitored by the Deputy Commissioner of Police. He would further submit that they will file a final report within two weeks.

5. In such view of the matter, merely because the accused is not arrested, the same is not a ground to transfer the investigation. The arrest of the accused during the investigation is purely discretion of the Investigating Agency. One cannot demand that accused has to be arrested. In such view of the matter, merely on that ground, the investigation cannot be transferred. Similarly, the accused allegedly admitted to repay the amount has not been recovered. It is also not a ground for transfer. Further, the Investigating Agency cannot act as a collecting agency. At the most, final report to be filed with a specific charge against the accused.

6. With the above direction, this Criminal Original Petition is dismissed and the Investigating Agency shall file a final report before the concerned Court within a period of one month from the date of receipt of a copy of this Order.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

nr/rpp

To

1. The Commissioner of Police,
Central Crime Branch,
Chennai.
2. Deputy Commissioner of Police,
Central Crime Branch,
Chennai.
3. The Inspector of Police,
Central Crime Branch,
EDF-1, Team-1,
Chennai.

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.C.Paul Kanagaraj, Advocate Sr.No.37944

CRL.O.P.No.14239 of 2022

SKM(CO)
RVM(14/07/2022)