



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.13984 of 2020

The BHEL Employees Co-operation Bank,
Rep.by its Managing Director,
B-Sector,
Kailasapuram,
Trichy-620 014.

... Petitioner

Vs.

1.Inspector of Police,
Boiler Plant Police Station,
Trichy.

2.The Deputy Superintendent of Police,
CBCID-Trichy,
Trichy.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation pending in F.I.R.No.35 of 2019 on the file of the 1st respondent to the file of the second respondent.

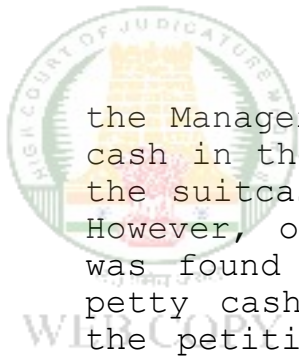
For Petitioner : Mr.K.Prabhakar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to transfer the investigation pending in F.I.R.No.35 of 2019 on the file of the 1st respondent to the file of the second respondent.

2. The case of the petitioner is that the petitioner is a Bank registered under the Tamil Nadu Co-operative Societies Act and a branch of the petitioner's Bank is situated in 24 Building, an Administrative Block within the BHEL Facotry Campus. On 31.10.2019, an amount of Rs.1,50,00,000/- had been received from IDBI Bank. After utilizing a portion of the cash received, a balance of Rs.1,43,10,000/- was kept in a suitcase. One Mr.Ravindran, who is



the Manager of the said 24 Building Branch, had failed to place the cash in the safe room of the bank under double lock system and left the suitcase containing the cash in the cashier's chamber at night. However, on the next day, the said Manager reported that the cash was found missing. But, another bag containing Rs.13,26,000/- and petty cash box containing Rs.68,525/- was untouched. Immediately, the petitioner lodged a complaint and the same was registered in Crime No.35 of 2019. However, there was no progress in Crime No.35 of 2019.

3. On perusal of the status report filed by the first respondent reveals that after registration of the First Information Report, the CCTV Footage from the Bank was recovered and the respondent Police has examined the witnesses including the said Ravindran. Since all the accused persons had worn the mask, no clue is there to identify the accused persons. However, there are many witnesses examined and the statement under Section 161(3) of Cr.P.C., was also recorded.

4. Admittedly, the case in Crime No.35 of 2019 was registered in the year 2019. Though the petitioner Bank had initiated the disciplinary proceedings as against the Manager and the Staff of the Bank, no charge of misappropriation against the Manager and the other employees of the Bank is recorded in the First Information Report. Mere registration of the First Information Report and recording the statements are not enough. The amount involved in this case is huge. Further, though the case was registered in the year 2019, there was no progress on the part of the first respondent. Therefore, if the investigation continues with the first respondent, the petitioner may not get fair justice. Hence, the investigation pending in Crime No.35 of 2019 on the file of the first respondent is hereby withdrawn and transferred to the second respondent. On receipt of the same, the second respondent is directed to complete the investigation and file a final report as expeditiously as possible.

5. Accordingly, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To:

1. Inspector of Police,
Boiler Plant Police Station,

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



2.The Deputy Superintendent of Police,
CBCID-Trichy,
Trichy.

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

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-13323[F] dated 21/03/2022)

CrI.O.P. (MD) No.13984 of 2020
21.03.2022

ssb

MS/30.03.2022/3P.5C