



Crl.O.P.No.8942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :21.07.2023

Pronounced on :25.07.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8942 of 2023

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.. Petitioner/accused

/versus/

1.The State Represented by
The Superintendent of Police,
Interpol Wing of the CBI,
New Delhi.

2.The Inspector of Police,
Kattur Police Station,
Coimbatore.
(Crime No.285 of 2021)

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the 1st respondent to complete the investigation in crime No.285 of 2021 and to file a final report before the appropriate Court in accordance with law.



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For Petitioner :Mr.R.Vivekananthan

For Respondents :Mr.K.Srinivasan,
Special Public Prosecutor (CBI)for R1

Mr.Hasan Mohammed Jinnah,
Public Prosecutor Assisted by
Mr.S.Udaya Kumar
Govt.Advocate(Crl.Side) for R2

ORDER

It is a very pathetic case, which clearly exposes the inefficiency of the State Police in effectively dealing a Foreigner, who has attempted to circulate fake foreign currency (USD) in India.

2.First Information Report in this case was registered on 01.03.2021. The accused/petitioner herein was arrested and he being a foreigner presently enjoying the hospitality of the State in the special camp at Trichy. The respondent police, which registered the case and confined the accused in the special camp merrily thought that their job is over, after addressing State Forensic Laboratory to examine the genuineness of the currency seized.



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3. Few months after his arrest, the accused had approached this Court by filing a petition in Crl.O.P.No.23937 of 2022 under Section 482 of Cr.P.C, seeking direction to the respondent police to complete the investigation, within a specified time frame.

4.This Court, after ascertaining from the learned Government Advocate (Crl.Side) that till 30.09.2022, final report has not been filed, directed the respondent police to complete the investigation and file the final report within a period of two months from the date of receipt of the order copy. However, the police had woke up from their slumber, only when the accused/petitioner has approached this Court again in Crl.O.P.No.8942 of 2023 under Section 482 of Cr.P.C seeking direction to complete the investigation in Crime No.285 of 2021 and file a final report. This petition was filed on 02.04.2023 and been under consideration till date.

5. When the matter was taken up on 19.07.2023, the learned Government Advocate (Crl.Side) circulated a copy or the letter dated 03.07.2023 purportedly



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sent by Tmt.V.Amudha, I.A.S., Principal Secretary to Government, Home Police

Department, Secretariat, Chennai. In the said letter No. 7379/Pol-13/2023-1, dated 03.07.2023, the Principal Secretary to Government has written a letter to the Director, CBI, CGO Complex, Lodhi Road, New Delhi stating that Reserve Bank of India dated 01.04.2022 had instructed to Government that cases of suspected foreign currency note (USD) to be forwarded to Interpol Wing of New Delhi, after prior consultation with them. The case in hand falls squarely within this ambit of the said direction and further, the Hon'ble Punjab Haryana High Court in *Dharampal vs State of Punjab decided on 17th May, 2019 (sic) (to be read as 2019)* has also reiterated the same, hence, requested the Director, CBI, to send specific remarks to transfer the case in Crime PS Cr.No.285/2021 under Sections 489(B), 489(C) of IPC to the Interpol Wing of the Central Bureau of Investigation, New Delhi.

6. This communication sent by the Home Department to the Director, CBI, after so much delay only re-enforces the opinion about the police dealing with foreign currency(USD) and foreign nationals. In spite of specific Court order to complete the trial expeditiously, they are insensitive to the issue. Hence, the matter was adjourned to file action taken report in this regard from the date of Court



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direction i.e on 30.09.2022.

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7. The learned State Public Prosecutor today appeared and circulated the typed set of papers regarding the course of action taken by the respondent police and submitted that to conduct test about the genuineness of the foreign currency seized from the accused, they are unable to find an expert and for the past two years, they are communicating between the agencies and the Government in this connection. The documents to justify the delay in investigation for the past 2 ½ years in a sensitive matter is casually explained by the State in the following way.

Sl. No.	Date	Description of Documents
1.	01.03.2021	FIR in Cr.No.285 of 2021, Kattoor P.S., Coimbatore City under Section 489 B and 489 C of IPC.
2.	Seizure	Exchange of Dollars-16 Notes -20 Dollar Bill At his room (i)40Notes – 20 Dollar Bill (ii)14 Notes-50 Dollar Bill Total Value-1800 Dollars
3.	01.03.2021	Arrest
4.	08.06.2021	Bail granted by the Judicial Magistrate No.II, Coimbatore.
5.	24.09.2021	G.O.Ms.No.413, Secreatry, Home Department, dated 24.09.2021 passed an order as per S.3(2) (e) of Foreigners Act, 1946 -Restricting the accused inTrichy Refugees Camp
6.	28.10.2021	Accused was sent to Trichy Refugees camp
7.	20.01.2022	Passport and Visa verification sent to Secretary to Government, General Section-2 (Foreign Nationals)-Through JM-II Report received on-20.01.2022 stating that Visa was not issued by the



Sl. No.	Date	Description of Documents
		Indian Embassy
8.	17.09.2021	Counterfeit currency was sent for verification to RBI, Chennai Forensic Analyst through JM-II- Report of RBI received on-05.10.2021 -Not able to verify whether it is counterfeit currency or not
9.	11.02.2022	Forensic Lab Analysis report from FSL to JM-2 – unable to verify
10.	22.03.2022	Letter was sent to American Consulate at New Delhi through JM-II -No reply received
11.	21.11.2022	COP, Coimbatore sent a letter to DGP/HoPF - Relying upon RBI Guidelines and Judgement of Punjab HC in Dharam Pal v. State of Punjab (17.05.2019) -”The above case may be transferred to the Interpol Wing of CBI through proper channel.
12.	17.01.2023	Letter in R.C.No.3996988/Pol-13/2022 from DGP to Government -to handover CD file to CBI
13.	08.06.2023	Reply from Addl.Secy, (Home) to DGP- asking to send the Consultation Report from Interpol Wing.
14.	03.07.2023	Letter No.7379/Pol-13/2023-1 – asked for specific remarks to transfer the case to the Interpol Wing of CBI- following the RBI (Dept. of Currency Management) Master Circular 2021-22 – para 5.9 consult Interpol and then transfer to CBI.

8. After the arrest of a foreign national, who found in possession of fake foreign currency, if the police is going to take so much of time even to take off the investigation, it only tells upon the efficiency of the government machinery. At the end of the day, the investigating Officer not able to decide whether the mater must be transferred to Interpol Wing of CBI or to continue the probe, they are



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even not able to identify authority who can test the genuineness of the currency.

The disinterest shown by the Government in this regard can be easily seen from the letter of Home Department dated 03.07.2023. This letter says one currency of foreign origin seized. Whereas the First Information Report given by J.Balachandran, Assistant Manager, Muthoot Fincorp, 243, Sowma Complex, Sathi Road, Ghandhipuram, Coimbatore, indicates that from the accused, 16 numbers of 20 rupees dollars (USD), 14 numbers of 50 rupees dollars (USD) counterfeit foreign currency (USD) came to be seized on 01.03.2021.

9. The respondent police, till date had not even ascertained the genuineness of the said currency seized from the accused. The delay in completing the investigation, inspite of the Court direction undoubtedly gives an impression that the State police in dealing with the case of this nature not efficient enough. Therefore, it is appropriate to transfer the investigation to CBI, Interpol Wing. Accordingly, the investigation in Crime No.285 of 2021, Coimbatore Police Station is transferred to CBI Interpol Wing, to take up the investigation and file the final report within a period of three months from the date of receipt of copy of this order.



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10. Accordingly, this Criminal Original Petition is disposed of.

11.The 2nd respondent is directed to transfer the file to first respondent forthwith.

25.07.2023

Index:yes/no
speaking order/non speaking order
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To:

- 1.The Superintendent of Police, Interpol Wing of the CBI,New Delhi.
- 2.The Inspector of Police, Kattur Police Station, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.
- 4.The Special Public Prosecutor (CBI), High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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delivery Order made in
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25.07.2023