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CrI.R.C.No.669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.07.2023

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.669 of 2023

The Official Assignee,
High Court of Madras.

... Revision Petitioner/Defacto Complainant

/versus/

1. State Represented by
Inspector of Police,
Central Bureau of Investigation,
EOB, Chennai.

... Petitioner/Investigation Officer

2. Arjunlal Sunderdas (deceased),
and Unknown others

... Accused

Prayer:- This Criminal Revision Case has been filed under Section 397 and 401 of Cr.P.C., pleaded to allow the Criminal Revision Petition and set aside the order dated 12.08.2022 made in R.C.No.3 of 2022 in R.C.No.3/E/2018/CBI/EOB/Chennai, on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai-600 008 accepting the closure report filed by CBI and restore the F.I.R to file and further direct the CBI to investigate to find out the money trail from India to Canada or transfer the investigation to CBCID of Tamil Nadu to trace out the money trail.



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For Petitioner : Mr.K.V.Ananthakrishnan

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

ORDER

This Criminal Revision Case is filed to set aside the order dated 12.08.2022 made in R.C.No.3 of 2022 in R.C.No.3/E/2018/CBI/EOB/Chennai, on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai-600 008.

2. In this case, this Court vide order dated 04.04.2018 directed the C.B.I to investigate the trail of money of one Arjunlal Sunderdas, who was declared insolvent and later died. After probe, C.B.I had filed closure report that has been accepted by the Judicial Magistrate and the protest petition filed by the petitioner/Official Assignee was dismissed.

3. Aggrieved by the order of dismissal, the present revision petition is filed. On perusal of the records, this Court finds that there are some area which the Investigating Officer has not gone into the root of the matter and a superficial investigation has led to closure of the complaint. Particularly, while the Investigation of C.B.I reveals that the deceased Arjunlal Sunderdas



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has invested the money in his account and later, transferred it to the account of his wife and his wife, in turn, had transferred the money to her son, who was living in Canada, this trail not properly examined. In some case, the money in the account of deceased Arjunlal Sunderdas been transferred to his wife's account and thereafter, reverted back to his account. Why this circular transaction of money is not been explained in the final report. Hence, this Court finds that, there is reason to direct the C.B.I to reopen the investigation and conduct probe regarding the trail of the money. Death of the Arjunlal Sunderdas and his wife cannot be a reason for closure report. The Bank account of the deceased insolvent and his family members if scrutinized thoroughly, then the money hidden may come out. Therefore, the ***Criminal Revision Case is disposed of.*** The petitioner herein is directed to give list of area where the probe has gone incomplete. Investigating Officer is directed to probe without leaving any stone unturn and file final report.

19.07.2023

Index :Yes/No.
Internet :Yes/No.
Speaking order/non speaking order
bsm



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DR.G.JAYACHANDRAN,J.

bsm

Copy To:-

1. The Inspector of Police, Central Bureau of Investigation, EOB, Chennai.
2. The Special Public Prosecutor, High Court, Madras.

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