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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13583 of 2024

S.R.Sekar

... Petitioner

Vs.

1. The State rep by
The Deputy Superintendent of Police
CBCID, Metro Wing-I,
Egmore, Chennai
Cr.No.04/2024

2.Senthil Balamani

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondents to not to harass the petitioner in the guise of enquiry.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondents : Mr.S.Udaya Kumar for R1
Government Advocate (Crl.Side)

ORDER

Petition is filed seeking protection from the respondent police from being harassed under the guise of making enquiry in connection with seizure of around Rs.4 Crores in a moving train.

2. The contention of the petitioner is that he, being a Senior leader



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of the political party, to tarnish his name, he has been summoned and even after disclosing that he has nothing to do with the money seized, the police is after him.

3. The learned Government Advocate (CrI.Side) appearing for the respondents submits that the investigation in this case not yet completed. Since one of the witnesses is named as petitioner, clarification is required from the petitioner. The counter filed on behalf of the first respondent. The CDR tower location indicates that in the building owned by one Goverdan, this petitioner, driver of Goverdan, Vignesh, Kesav Vinayagam (Tamil Nadu State Organizing Secretary of BJP) Sathish and Perumal were present and they presume the money was transferred in the presence of the petitioner herein.

4. In the counter, it is stated that the petitioner was questioned at his residence on 21.05.2024. Thereafter, he refused to appear before the CBCID for enquiry.



5. Learned counsel for the petitioner states that on 21.05.2024, the statement of the petitioner was recorded and in the counter, there is no reason stated why the petitioner should be called again for investigation.

6. The learned Govt. Advocate (crl.side) submitted that the enquiry with the petitioner is not yet completed and his presence is necessary to complete the investigation. Hence, it is suffice to direct the petitioner to appear before the Investigation Officer on 11.07.2024 at 11.00a.m., The Investigation Officer shall make necessary enquiry with the petitioner on that day. The enquiry shall be strictly in accordance with law. There shall not be any roving enquiry under the guise of investigation of the complaint which is the subject matter. Since the petitioner states that he being the State Office Bearer of a political party, the mobile phone contains various informations which are exclusively for the purpose of his party. Under the guise of investigation, the respondent police shall not force him to produce the mobile phone which he claims to have been damaged.

Dr.G.JAYACHANDRAN,J.



gv

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7. With the above direction, this Criminal Original Petition is disposed of.

05.07.2024

Index : Yes/No

Neutral Citation : Yes/No

gv

To

1. The State rep by
The Deputy Superintendent of Police
CBCID, Metro Wing-I,
Egmore, Chennai
Cr.No.04/2024

2. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.13583 of 2024