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CrI.OP.No.20750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.20750 of 2024

State Bank of India
Represented by its Regional Manager
Shri Sankara Subramanain V
Kethanur Branch, Udumalai Road,
Kethanur, Palladam, Coimbatore District,
Tamil Nadu-641 671.

... Petitioner

Vs.

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. Commissioner of Police,
Police Commissioner Office,
Sirupooluvapatti, Tiruppur,
Tamilnadu-641687.

3. Inspector of Police,
Kamanaikenpalayam,
Tiruppur, Tamil Nadu-641 669.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C. to transfer the investigation of the case of FIR in Cr.No.74 of 2022 dated 17.03.2022 pending on the file of 3rd respondent to the file of the Joint Director & Head of Zone, Central Bureau of Investigation, Banking Securities & Fraud Zone, 5th Floor, CBI Head Quarters, No.5,B-CGO



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Complex Lodhi Road New Delhi-110003 in terms of the circular dated 01.07.2016 issued by the Reserve Bank of India vide RBI/DBS/2016-17/28DBS.CO.CFMC.BC.No.1/23.04.001/2016-17 and on the basis of complaint dated 22.07.2022 lodged by the petitioner.

For Petitioner : Mr.Nithyaesh Natraj

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner herein is the Regional Manager, State Bank of India alleging one of his Staff by name B.Sekhar had misappropriated jewels pledged at the Bank worth about Rs.8,07,53,310/- . Complaint been lodged and the same been registered by the third respondent in Cr.No.74 of 2022 under Sections 406, 409 and 420 of IPC on 17.03.2022. The present petition is filed by the complainant to transfer the investigation to CBI following the circular issued by Reserve Bank of India.

2. The learned Government Advocate (Crl.Side) appearing on behalf of the State submits that the proposal for transfer of investigation to CBI been forwarded to the Director General of Police vide letter dated 17.04.2024 from Superintendent of Police, Thiruppur and necessary instructions is awaited.

3. On perusal of the records, this Court finds that after two years



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of the complaint, the respondent has realized that the matter has to be investigated by CBI as per the Reserve Bank of India's Circular. After obtaining opinion of the Public Prosecutor, proposal been sent to Director General of Police, for the reasons best known the office of the Director General of Police has not acted upon the proposal till date even after four months of the receipt of the proposal to transfer the investigation. The delay in taking decision to transfer the investigation has forced the petitioner herein to approach this Court.

4. The first respondent herein is hereby directed to issue necessary orders for transfer of investigation within a period of two weeks from the date of receipt of a copy of this order. So as to avoid any further delay in investigating the complaint relating to misappropriation and cheating about Rs.8,00,00,000/-.

5. With the above directions, this Criminal Original Petition is disposed of.

28.08.2024

Vv

To



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Tamilnadu-641687.
3. Inspector of Police,
Kamanaikenpalayam,
Tiruppur, Tamil Nadu-641 669.
4. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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