



Crl.O.P.No.27052 of 2023

In the High Court of Judicature at Madras

Dated : 12.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.27052 of 2023

Mr.Darshan, power agent of
M/s.Rishab Triexim LLP

...Petitioner

Vs

1.The Additional Commissioner of
Police, Central Crime Branch (CCB),
No.132, Commissioner Office
Building, EVK Sampath Road,
Vepery, Chennai-7.

2.The Deputy Commissioner of
Police, Central Crime Branch (CCB),
No.132, Commissioner Office
Building, EVK Sampath Road,
Vepery, Chennai-7.

3.The Assistant Commissioner of
Police, EDF-III, Central Crime
Branch (CCB), No.132,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-7.

4.The Sub-Inspector of Police,
Team 20A, Central Crime Branch
(CCB), No.132, Commissioner Office
Building, EVK Sampath Road,
Vepery, Chennai-7.

...Respondents



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PETITION under Section 482 of the Criminal Procedure Code praying to direct the third respondent - police to expedite the investigation of Crime No.89 of 2023 in accordance with law.

For Petitioner : Mr.A.Natarajan, SC for
Ms.A.Madhumathi
For Respondents : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This is a petition filed by the petitioner seeking to direct the third respondent to expedite the investigation in Crime No.89 of 2023 and to file a final report.

2. Heard both.

3. The grievance of the petitioner is that he has been cheated to the tune of Rs.11.79 Crores by the accused.

4. The fourth respondent filed a status report wherein the relevant portions read as hereunder :

"5. It is submitted that during the course of investigation, I have issued a 41A Cr.P.C. summon to A2 Sujala, A3 Srikanth Reddy and A4 Sreedhar Reddy to appear before me for enquiry. On 26.7.2023, A2 Sujala was enquired under 41(A) Cr.P.C., and her



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statement was recorded. While enquired the accused A2 Sujala was directed to furnish the documents. However, they failed to produce the documents, therefore repeated 91 Cr.P.C. notice was sent through registered post on 18.8.2023, 07.9.2023, 15.9.2023. But the accused were not yet produced documents.

6. It is submitted that during the course of investigation, I had given a requisition letter to the Registrar of Companies to verify whether the accused company is a registered company or not. They replied that the company master data is available in the public domain and requested to download through the external agencies. Accordingly the company details were downloaded from ROC portal.

7. It is submitted that during the course of investigation, I had given a requisition letter to the concerned bank to collect the account statements of accused. With regard to bank account statements, the Branch Manager of Union Bank of India on 05.8.2023 furnished the soft copy through the mail and same was scrutinized through I-Auquit web portal. The account statement was analysis; the company funds flow was intended. The further enquiry will be conducted with the distributors and suppliers M/s.Nandhi Irrigation Systems (P) Ltd.

8. It is submitted that during the course of investigation, the Production Manager Mr.Ramiaah and the Store Manager Mr.Gopal Reddy were summoned to appear on 25th and the 23rd August



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respectively to bring certain records from the factory. However, they have not appeared so far. In order to enquire Mr.Ramiaah, Production Manager and Mr.Gopal Reddy, Store Manager, notice summoned u/s 160 Cr.P.C. was already served to them on 18.8.2023, 07.9.2023 and 15.9.2023 for their appearance, but they failed to turn up enquiry. Sincere efforts will be taken to examine them and recorded their statements.

9. It is submitted that during the course of investigation, in order to enquire A3 Srikanth Reddy and A4 Sridhar Reddy notices u/s 41(A) Cr.P.C. was sent them on 15.7.2023 and 07.9.2023. But both of them were not appeared for enquiry. Hence, further notice was sent on 15.9.2023 and awaited for their appearance.

10. It is submitted that at this stage, the petitioner/complainant had filed this direction petition seeking to direct the third respondent police to expedite the investigation of Cr.No.89 of 2023 in accordance with law to drag on the investigation proceedings.

11. Now the case is under investigation to do the following aspects :

- (i) to examine some more witnesses*
- (ii) to investigate the accused persons and they have to be interrogated the real facts of the case*
- (iii) to collect some more documents related to this case."*



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5. It is seen from the said status report that in spite of several notices sent to the accused persons, they do not seem to be cooperating for the investigation nor giving their explanation. Therefore, the fourth respondent has to take necessary steps to secure the accused persons if they are not responding to the notices issued to them. Unless this is done, it is not possible to complete the investigation in this case.

6. Taking into consideration the facts and circumstances of the case and the status report filed by the fourth respondent, there shall be a direction to the fourth respondent to take necessary steps to secure the accused persons, proceed further effectively with the investigation and complete the same within a period of three months from the date of receipt of a copy of this order.

7. The criminal original petition is disposed of with the above direction.

12.3.2024

To

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- 2.The Deputy Commissioner of Police, Central Crime Branch (CCB), No.132, Commissioner Office Building, EVK Sampath Road, Vepery, Chennai-7.
- 3.The Assistant Commissioner of Police, EDF-III, Central Crime Branch (CCB), No.132, Commissioner Office Building, EVK Sampath Road, Vepery, Chennai-7.
- 4.The Sub-Inspector of Police, Team 20A, Central Crime Branch (CCB), No.132, Commissioner Office Building, EVK Sampath Road, Vepery, Chennai-7.
- 5.The Public Prosecutor, High Court, Madras.

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N.ANAND VENKATESH,J

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