



W.P(MD)No.9323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9323 of 2024

M/s. Canara Bank,
Rep. By its Senior Manager,
Currency Chest Branch, Madurai

... Petitioner

Vs

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police, (Crime),
Thallakulam Police Station,
Thallakulam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to given suitable direction to the 2nd respondent to release the undisputed Rs. 2,000/- denomination currency notes in consignment No. 37 for a sum of Rs. 3,39,64,000/- (Rupees Three Crores Thirty Nine Lakhs Sixty Four Thousand Only) as per the representation given by the petitioner, dated 26.12.2023.

For Petitioner : Mr.R. Anandharaj

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed seeking issuance of a direction to the 1st respondent to give suitable direction to the 2nd respondent to release the undisputed Rs. 2,000/- denomination currency notes in consignment No. 37 for a sum of Rs. 3,39,64,000/- (Rupees Three Crores Thirty Nine Lakhs Sixty Four Thousand Only) as per the representation given by the petitioner, dated 26.12.2023.

2.The petitioner Bank has lodged a complaint before the respondent Police that totally 818 numbers of Rs.2,000/- currency notes were missing from the Consignment No.37, while it was transited from Madurai to Dindigul. In this regard, a case has been registered in Cr.No. 2133 of 2017 and the same is pending. The investigation agency has instructed the Bank to withhold the consignment till the disposal of the aforesaid case. However, the Reserve Bank of India has issued a direction to the Banks to send all the Rs.2,000/- currency notes to RBI within a stipulated time and the said period was also over. In view of the direction issued by the investigation agency, the petitioner Bank could not comply with the order of the Reserve Bank of India.



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3.The learned Additional Public Prosecutor submitted that the petitioner Bank can very well file necessary application before the concerned Magistrate and based on the direction that may be issued by the trial Court, the respondent Police would conduct the investigation and dispose of the property, as per rules.

4.On considering the rival submissions made, this Court finds that the respondent Police is not capable of conducting investigation in this case. Without taking any action, the said property is pending from the year 2017.

5.In view of the above facts, the first respondent/Commissioner of Police, Madurai is directed to entrust the investigation in this case to some other investigating agency. The investigating agency shall follow the guidelines as prescribed in the decision of Hon'ble Apex Court in *Sundarbai Ambalal Desai Vs. State of Gujarath* to dispose of the property under Section 451 of Cr.P.C., The entire exercise should be completed within a period of one month from the date of receipt of copy of this order.



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6. With the above directions, this writ petition stands disposed of. No costs.

17.04.2024

Internet : Yes
Index : Yes/No
NCC : Yes/No

PNM

To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police, (Crime),
Thallakulam Police Station,
Thallakulam, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

PNM

ORDER IN
W.P(MD)No.9323 of 2024

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