



Crl.O.P.No.15264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15264 of 2023

Liyagath Ali

.. Petitioner

Versus

**1. The Commissioner of Police,
Tiruppur City,
Tiruppur.**

**2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.**

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue suitable direction or in the nature of direction, transferring the investigation pending on the file of the second respondent in Crime No.672 of 2023 to any other competent agency or Police Officer for the purpose of investigation the same according to law.

**For Petitioner : Mr.E.Kannadasan
for Mr.V.Parthiban**

**For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor**



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ORDER

This petition has been filed seeking for transfer of investigation pending in Crime No.672 of 2023 before the second respondent to any other investigation agency.

2. When the matter was taken for hearing on 26.07.2023, a status report was filed by the second respondent.

3. Heard Mr.E.Kannadasan, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

4. For proper appreciation, the relevant portions in the status report are extracted hereunder:-

"3. It is submitted that during the course of investigation, I have visited to the place of occurrence and drew rough sketch and prepared observation mahazar in the presence of witnesses namely, Tr.Prakash and Tr.Abubakkar Siddhiq and also the examined the following witnesses and recorded their statements.

- (i) Tr.Liyagath Ali - defacto complainant*
- (ii) Tmt.Sabira Banu - wife of the defacto complainant*
- (iii) Tr.Nisharudin - son of the defacto complainant*



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(iv) *Tr.Sowgath Ali - relative of the defacto complainant*

(v) *Tr.Venkatraj - friend of the defacto complainant*

(vi) *Tr.Senthil Kumar - friend of the defacto complainant*

All of them corroborated the same version of the complaint.

4. It is submitted that 01.05.2023, as per the requisition of the investigation Officer, the Inspector of Police, Cyber Crime Police Station, Tiruppur City sent a Notice u/s.91 Cr.P.C to the Whatsapp LLC., United States of America to requiring details of whatsapp account name, IMEI, IP address and log details of the said phone nos., and the report of IP address shows that one Donovan Joseph Bemard, S/o.Francis Benmard, Parade Road, Kochi, Fort Kochi, Ernakulam, Kerala.

5. It is submitted that based on that, I have formed a special team consisting of one Tr.Elanchezhiyan, Sub Inspector of Police, Tr.Vivek, Sub Inspector of Police, Tr.Maharajan - Head Constable- 277, Tr.Manikanda Prabu, Grade-I, 359 on special duty and they went to Kerala, wherein they examined the following witnesses namely, Tmt.Rina Rusbain, Manger of the said hotel, Tr.Anilan, who is driver of said hotel, Tr.Nagaraj who worker of the said hotel was recorded. It is further stated that Tr.Donovan Joseph Bernard who is running Bernard House, Hotel, Kerala at present he is staying at Dubai. Based on the statement of witnesses, it reveals that at present the renovation work is going in the hotel premises and hence, no booking has been taken.



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6. *It is submitted that on 03.07.2023, I have sent a requisition letter to the Airtel, JIO and Vodafone, Nodal Officer, Tiruppur to furnish the call details, tower location and SIM address of the phone Nos.73866 55883 & 99949 19400 and the same was obtained, in which the tower location shows that "Rezimental Bazarst Marys High School Secunderabad". Based on that, I have enquired with one Tr.Parsha Shankar Yadav, aged about 63 years who residing at Secunderabad through phone whether he had called the defacto complainant, because his mobile no. was received as a whatsapp call, inturn he had replied that he did not call anyone through whatsapp. Hence, the enquiry was done through phone call, his statement was not recorded.*

7. *It is submitted that during the course of investigation, I have found that the said Tata Ace bearing Reg.No.TN-39-CK-7866 is fake number with e-challan machine.*

8. *It is submitted that during the course of investigation which reveals that it came to know that the said Bernard House Hotel wherein automatically connected in without any password, any anyone if passing in the said way, WIFI was automatically connected in their cell phones respectively and also there is no CCTV camera.*

9. *It is submitted that in order to complete the investigation, we have yet to be compare the said phone Nos.73866 55883 & 99949 19400 with phone nos.125 for which the CDR details to be obtained. After completion of the above, I will*



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be able to proceed further and lay a final report in accordance with law and the investigation is now still under investigation."

5. On going through the status report, this Court does not find any apparent lapse on the part of the respondent Police in conducting the investigation. Hence there is no need for transferring the investigation at this stage. There shall be a direction to the second respondent to complete the investigation and file a Final Report in this case within a period of three months from the date of receipt of a copy of this order. If the investigation is not completed and there is no progress, it is left open to the petitioner to revive the request seeking for transfer of investigation.

6. The Criminal Original Petition is disposed off in the above terms.

02.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Commissioner of Police,
Tiruppur City,



Tiruppur.
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N.ANAND VENKATESH, J.

grs

2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.

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