



Crl.O.P(MD).No.18357 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 05.07.2023

Delivered On : 11.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.18357 of 2019

Ahamed Batcha

...Petitioner

Vs

1.The Superintendent of Police,
Trichy District,
Trichy.

2.State,
Rep. by the Inspector of Police,
Manikandam Police Station,
Trichy District.
(Crime No.241 of 2011)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the second respondent police to expedite the investigation in Crime No.241 of 2011 dated 04.07.2011, and file the final report within a stipulated time.

For Petitioner : Mr.S.Deenadhayan
For Respondents 1 and 2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



Crl.O.P(MD).No.18357 of 2019

ORDER

WEB COPY This petition is filed to direct the second respondent police to expedite the investigation in Crime No.241 of 2011 dated 04.07.2011, and to file the final report

2. According to the petitioner, the petitioner is a resident of Thilagar Street, Ayyappan Nagar, K.K.Nagar, Trichy. The petitioner and his wife went to Haj in the year 2011. At the time, unnamed and unidentified persons broke open the petitioner's house and took away 103 sovereigns of jewels, ornaments and 13 sovereigns of gold coins and other precious articles and a sum of Rs.40,000/- and the same was informed to the petitioner's daughter through neighbors and immediately the petitioner's daughter rushed to the house and found that many jewels and so many articles were stolen. Immediately the petitioner's daughter preferred a complaint before the second respondent Police and a case was also registered in Crime No.241 of 2011 dated 07.11.2011 for the offence under Sections 454, 457 and 380 of IPC as against unnamed persons. Though the above incident was happened in the year 2011, even after the lapse of 8 years, the investigation in the said case is still pending and no one has been secured till now. The petitioner personally approached the second respondent on many occasions and then he sent numerous representations to the second respondent Police as well as the first



Crl.O.P(MD).No.18357 of 2019

respondent. Thereafter, on 13.11.2019, the petitioner sent a representation to the respondents and requested them to take appropriate action in the said case.

Since there is no response from the respondents, he filed this petition to expedite the investigation and to file a report within the stipulated time.

3.The learned counsel appearing for the petitioner has argued that the case is pending from the year 2011 and the petitioner is a retired person and he is struggling for his livelihood and prayed for a direction to complete the investigation within a stipulated time.

4.The respondents have filed many status reports on various dates. Recently the Superintendent of Police has filed a status report on 22.02.2023. In that status report, the Superintendent of Police, Trichy, stated that the daughter of the petitioner namely Niyaz Banu preferred a complaint before the second respondent on 07.11.2011, at about 12 hours, by stating that her father by leaving his younger sister with her, has gone for Haj pilgrimage on 31.10.2011 and that on 07.11.2011, she was informed by neighbors that her father's house was found broke open and immediately she rushed there and found 60 sovereigns of gold jewels worth about Rs.3,00,000/- was found missing in bureau and that exact details is only known to her father and prayed for immediate action.



CrI.O.P(MD).No.18357 of 2019

WEB COPY

5. Based on complaint, FIR has been registered in Crime No.241 of 2011 under Sections 457 and 380 of IPC on 07.11.2011. Immediately the Inspector of Police proceeded to scene of occurrence and commenced the investigation and prepared observation mahazer and recorded the statement of the witnesses. Further sniffer dog was also brought to the scene of occurrence and the said dog after sniffing purse, bureau and jewel box and went to front floor and went to other house where the incident occurred, the dog went around the nearby block, loitered behind the quarters and stopped in front of B block house No.4. Thereafter, the Inspector of Police went to various places in search of the convicts and then he also examined them. But no fruitful clue could be obtained. On return of the petitioner, he was examined and he stated that 103 sovereigns of gold was kept in the bureau and one citizen watch worth about Rs.3,500/- and multi color stone worth about Rs.15,000/- and cash of Rs.40,000/- were found stolen and thereafter, a special team was constituted and sent to MO check office on 21.11.2011 and he gathered a list of 30 previous convicts involved in theft in the district. Thereafter, special teams were directed to go in search of the previous convicts with the assistance of their respective police station and they watched the noted purchasers of stolen jewels and all were kept under close watch. Thereafter, the Deputy Superintendent of Police, Tiruverumbur, Sub Division formed a



Crl.O.P(MD).No.18357 of 2019

special team and they also went to various places but no material result emerged.

6.In spite of special teams were formed and they examined several previous convicts, no fruitful results could be obtained. In the meantime, the petitioner herein sent a representation dated 13.11.2019. In order to speed up the investigation on 13.02.2023, the present Superintendent of Police formed a special team as per C.No.86/SP-Camp/TRI/2023 and the said team formed for obtaining progress, on daily basis, it was directly monitored by the Superintendent of Police and day to day reports were produced to him. The special team was functioning as per instructions and directions. The suspects and accused persons of other crimes and convicts who had recently released are closely monitoring for finding any clues or any such progress shall be repeatedly reported to the High Court.

7.The learned Government Advocate appearing for the respondent represented that already so many special teams were formed and there are still searching real accused. Despite all best efforts, they are unable to secure the accused so far. Further he submit that a direction may be issued to the respondents to complete the investigation within a reasonable time.



Crl.O.P(MD).No.18357 of 2019

8.From the recent status report filed by the Superintendent of Police, it is seen that despite so many special teams formed, they were unable to secure the accused and there is no further improvement in the case. The date of occurrence is November 2011 but still the police was unable to find out the real accused in this case. The petitioner also frequently sent representation to the Police and they also formed special teams and they also still searching the accused but they could not identified the accused.

9.Since the case is pending from the year 2011, the police also taking adequate steps to find out the accused but they could not identified the accused. Therefore considering the date of occurrence and nature of case, it is appropriate to direct the respondents to expedite the investigation process and to take necessary steps to secure the accused within stipulated time. Accordingly, the respondents are directed to take necessary steps to find out the real accused involved in this case and the Inspector General of Police, Central Zone has to monitor the investigation and the status report of the investigation has to be filed before this Court periodically once in two months by obtaining countersigned from the Inspector General of Police until filing final report.



Crl.O.P(MD).No.18357 of 2019

WEB COPY

10. With the above direction, this Criminal Original Petition is allowed.

No Costs.

11.07.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Mrn

Note: *The Registry is directed to send a copy of this order to the Inspector General of Police, Central Zone.*

To

1. The Superintendent of Police,
Trichy District,
Trichy.
2. The Inspector of Police,
Manikandam Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD).No.18357 of 2019

P. DHANABAL,J.

Mrn

Crl.O.P(MD).No.18357 of 2019

11.07.2023