



Final Order

No. PCA/DDD/Case-04/2011/16

Date: 1st/05/2012

Applicant Name & Address : Shri Anilkumar Babubhai Desai
: House No. 1583/2, Nariman Point, Brahmin Falia,
Silvassa Bhilad Road, Nroli, DNH.

Complaint Registration Date : 10th February 2012

Complaint About : Improper/ delay Investigation of FIR No. 91/2010

Complaint Against : 1. Shri Naresh Hirabhai Patel, Police Sub Inspector,
Silvassa Police Station.

Statements Recorded by the Authority :

1. 21st February 2012 Shri Anilkumar Baubhai Desai
2. 13th March 2012 Shri Naresh Hirabhai Patel, PSI, Silvassa Police Station

Summary of Statements recorded by the authority :

1. : i. Shri Anilkumar B. Desai had grievance against the Investigation Officer of Khanvel Police of CR No. 91/2010 for total inaction to investigation of the said crime in-spite of the laps of more than two years after the registration of the crime dated 03/12/2010.
ii. Shri Anilkumar Desai had lodge the FIR No. 91/2010 at Khanvel Police Station against Shri Shailesh Babubhai Desai for forgery through private complaint in the Court of Chief Judicial Magistrate, Silvassa.
iii. In his statement, he stated that in his complaint before the police he mentioned several names of witness but Shri N. H. Patel the Investigation officer had not recorded statements of any of the witness.
iv. In his statement, he also stated that Investigation Officer had made oral inquiry of accused Shri Shailesh B. Desai in his presence one year back but not recorded the statement.
v. He stated that the Investigation Officer had inquired with the Silvassa Branch of IDBI Bank but failed to recover the original documents of bank account opening.
vi. Lastly he stated that till date police had neither filed any charge sheet in the court of law nor any report what so ever.



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2. : i. Shri Naresh Hirabhai Patel, Police Sub Inspector, in his statement given before the authority he admits the delay in the investigation of CR. No. 91/2010 due to circumstances beyond his control.
- ii. In his statement he stated that he had not recorded the statements of Witness, Accused, Complainant and Bank Manager of the IDBI Bank, not maintained any case diary.
- iii. He stated that he had obtained the Xerox copies of bank account opening documents of M/s. Bhumiraj Construction by Shri Shailesh Babubhai Desai on 07/05/2011.
- iv. He stated that he was on medical leave from 26/04/2011 to 15/09/2011.
- v. He stated that he had not obtained the original documents of bank account opening, bank instruments from which the amount was withdrawn.
- vi. In his statement Shri N. H. Patel gave assurance to the Police Complaint Authority that he will complete the remaining investigation and file the final report in the Court of Chief Judicial Magistrate with a period of one month from 13/03/2012.

Facts immerging from the statements :

- a) The Investigating Officer of CR No. 91/2010 admits the delay in the investigation due to medical complications.
- b) The Investigating Officer had not recorded the statements of Complainant, Accused, Witness and other peoples.
- c) The police department had not handed over the case charge to any other officer available during the leave period of Investigating Officer between 26/04/2011 to 15/09/2011.
- d) The Investigating Officer of CR No. 91/2010 vide letter dated 24/04/2012 sought further time to complete the investigation.

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The Investigation of this case is with PSI Shri N. H. Patel since 3rd December 2010 u/s 384, 408, 409, 419 & 420 of IPC in CR No. 91/2010. This case has not seen any progress. Inaction on the part of Investigating Officer is apparent on the face of record. Granting further time would not serve the purpose.



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The Superintendent of Police, DNH is directed to monitor the Investigation on the case on weekly basis and to cause a final report to be submitted in the Court of Chief Judicial Magistrate not later than 15th June 2012 under due intimation and with copy to the Police Complaint Authority.

S. M. Parmar
Chairperson
Police Complaint Authority
Daman & Diu and Dadra & Nagar Haveli
Silvassa