

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION NO. 8266 of 2020

SHAH VIJAYBHAI ARVINDBHAI

Versus

STATE OF GUJARAT

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MS. MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

CORAM: **HONOURABLE MS. JUSTICE BELA M. TRIVEDI**

Date: 23/06/2020

ORAL ORDER

1. The Court yesterday i.e. on 22.06.2020 had passed the following order :

1. "In the present application, filed by the applicant seeking an anticipatory bail under Section 438 of Cr. P.C., notice was issued by this Court on 15.6.2020 making it returnable on 22.6.2020 i.e. today.
2. However, an unprecedented incident occurred in the sense that today at 8.55 a.m., the undersigned received a call on her mobile No.7069074860 allotted to her by the High Court, from the mobile No.9924327466. Since it was an unknown number, the undersigned was a little hesitant to pick up the call, however, after a while, it was picked up, and the person calling stated that he was Niranjana Patel, MLA, Petlad. When the undersigned asked him as to why he had made the call, he said that there was one Criminal case listed today. At that point of time, the undersigned immediately stopped him and told him that he could not have called the undersigned like this, and

disconnected the phone. Thereafter, the said person again made three calls one after the other, however, they were not picked up. Immediately thereafter at 9 a.m., a message in English script was sent from the said mobile number, stating that the Criminal Case No.8266 of 2020 Vijaybhai Arvinbhai .. ma aje muddat che, (is fixed today). Since the undersigned was disturbed and furious receiving the said call, she requested the Registrar (I.T.) of High Court to make inquiry as to in whose name the said mobile number was registered. He intimated the undersigned that from the Truecaller, it appears that the said number belongs to one "Tosif Faiz Xerox", having Vodafone connection.

3. When the matter was called out for hearing today through video conferencing, the Court asked Mr.Dagli as to when did he speak to his client last, and Mr.Dagli stated that he spoke to his client lastly on Friday i.e. on 19.6.2020. The Court thereafter asked him to take instructions as to who Mr. Niranjan Patel was and how he was connected with the applicant. The matter was kept back for half-an-hour. When the hearing was resumed after half-an-hour, the learned advocate Mr. Dagli along with the learned Sr. Advocate Mr. Nirupam D. Nanavaty, appeared. Mr. Dagli stated that as such the applicant has no connection with the Mr. Niranjan Patel, however, Mr. Niranjan Patel is very much interested to see that the petitioner is arrested, and Mr.Patel had also approached Dy. S. P. for the arrest of the applicant.
4. Since, nobody can directly or indirectly try to approach the Court or to influence the Court, in a way try to pollute the stream of justice, it is necessary to obtain the details of the call made from the number 9924327466 registered with Vodafone. The Registrar (IT), Mr.Ashok Ukrani is requested to obtain the necessary details with regard to the

registration/ownership of the said mobile number along with today's call details from Vodafone and intimate the Court by tomorrow i.e. 23.6.2020. Registrar (IT) may take assistance of the Registrar (Vigilance), if necessary to do so. Copy of the order be sent to the Registrar (IT), and Registrar (Vigilance), High Court.

5. Put up on 23.6.2020."

2. Pursuant to the said order, the Registrar (SCMS & ICT) has submitted the report of Call Data Record (CDR) in respect of the mobile telephone number in question i.e. 9924327466 for the date 22.06.2020 from 00:00 hours to 20:13 hours.

3. Having regard to the said report, it appears that the said number appears to have been ported to JIO mobile service from 18.05.2018, as per the record of Reliance Jio Infocom Ltd. From the call details, it clearly transpires that the call in question was made from the said number to the number of the Undersigned i.e. 7069074860 at 8:55 a.m. on 22.06.2020 and the call duration thereof was 45 seconds. Immediately thereafter there are four SMS sent from the said number to the Undersigned's number at 09:00:56, 09:02:39, then 09:02:49 and 09:02:52 hours.

4. It further appears that the name of the subscriber as mentioned in the CDR is Tofikbhai Vhora, son of Salimbhai Vhora, and the address mentioned therein is "Bagdad Nagar, Near Sarvariya Masjid, Anand 100 Foot Road, Anand, Anand GJ

388001", and the type of connection is prepaid.

5. As emerging from the said CDR, on 22.06.2020, a call was made from the mobile number 9924327466 at 08:55 a.m., and thereafter four messages during the time between 09:00:56 to 09:02:52 hours were sent to the number 7069074860. The said four messages received in the broken language read as under :

"- Criminal Case : 8266/2020 Vijaybhai
Arvindbhai, Agotara jamin na madva joie,
Are midst che
- Aje
- Mudat
- Che"

6. Today during the course of hearing the Court asked learned advocate Mr. Dagli as to whether his client i.e. the applicant knows the subscriber of the said number i.e. Tofikbhai Vhora, however, Mr. Dagli after taking instructions from the applicant, stated that his client does not know that person.

7. As stated in the earlier order dated 22.06.2020, the person who had called had introduced himself as Niranjana Patel, M.L.A., Petlad, whereas from the CDR, it appears that the subscriber of the mobile phone in question is Tofikbhai Vhora. It is needless to say that any person doing any act whatsoever which prejudices or interferes or tends to interfere with,

due course of any judicial proceeding or interferes or tends to interfere with the administration of justice in any manner, would be said to have committed a "criminal contempt" within the meaning of Section 2(c) of the Contempt of Courts Act. However, before forming any *prima facie* opinion in that regard, it would be necessary to ascertain as to who in fact was in custody of the mobile number 9924327466 during the said hours and as to who in fact had made the call and sent the messages in question.

8. The Superintendent of Police, District Anand is directed to get the statements of Mr. Niranjana Patel, M.L.A., Petlad and of Mr. Tofikbhai Vhora, whose address is mentioned hereinabove, recorded through the concerned Dy.S.P. and submit the same to the Court by tomorrow. It may be noted that the matter shall be viewed very seriously if the concerned persons do not state the correct facts in their respective statements.

9. The learned APP is directed to do the needful. The office is directed to furnish the copy of the said order to the learned APP forthwith.

10. Put up on 24.06.2020.

(BELAM. TRIVEDI, J)

SINDHU NAIR/AMAR