

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Con.Case(C).No. 427 of 2015 (S) IN WP(C).10764/2014

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AGAINST THE JUDGMENT IN WP(C) 10764/2014 of HIGH COURT OF KERALA
DATED 26-06-2014
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PETITIONER(S)/PETITIONER:

**KRISHNAMENON AGED 67 YEARS
S/O.MADHAVANKUTTYACHAN, MADHAVI MANDIRM, AKATHETHARA
PALAKKAD, NOW RESIDING AT NO. 38/24, TRIPLICANE
CHENNAI - 600 005.**

BY ADV. SRI.C.N.SAMEER

RESPONDENT(S)/RESPONDENT NO. 5:

**V.S.MUHAMMED KASSIM
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
NOW WORKING AS DEPUTY SUPERINTENDENT OF POLICE
CRIME DETACHMENT, PALAKKAD - 678 683.**

ADV. SMT.V.H.JASMINE, PUBLIC PROSECUTOR

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: THE CERTIFIED COPY OF THE JUDGMENT IN THE WRIT PETITION
CIVIL NO. 10764 OF 2014 (U).**

RESPONDENT'S EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K.RAMAKRISHNAN, J

C.O.C.NO.427 OF 2015

Dated this the 6th day of March, 2015

JUDGMENT

The above contempt of court case was filed by the petitioner under section 12 of the Contempt of Courts Act for taking action against the respondent in this petition who was the fifth respondent in the original case. According to him, though this court has recorded the submission of the investigating officer that investigation will be completed within three months, so far no proper investigation has been conducted and the direction has not been complied with. So, he filed the above contempt of court case seeking the following relief:-

"to issue summons to respondent to secure the presence of the respondent and prosecute him in accordance with law".

2. On the basis of the directions of this court, the respondent filed a detailed affidavit stating the reason for the delay in completing of the investigation and also expressing his apology for not completing the investigation within time. It is seen from the affidavit that though earlier the case was referred as undetected, on the basis of the complaint given by the

petitioner and as per the directions of the State Police Chief the investigation was reopened and it was entrusted to the present respondent and he had also submitted that though earlier the suspects were prepared to undergo lie detecting test (polygraph test), later they resiled from the same when an application was filed before the court for that purpose and that petition was dismissed by the Magistrate against which they approached the Sessions Court by filing Crl.R.P.No.93/2014 and that is pending and now posted to 07.07.2015. They are also taking all earnest attempt to conduct proper investigation. I am convinced with the reasons stated by the fifth respondent for the delay in completing the investigation. In fact, there was an undertaking earlier that investigation will be completed within three months and that undertaking was recorded and the writ petition was closed with liberty for the petitioner to move the appropriate forum if he is not satisfied with the investigation conducted by the present agency. Under the circumstances, it cannot be said that there was any willful default or disobedience on the part of the investigating agency in not completing the investigation so as to initiate contempt proceedings against them. So, the affidavit filed by the respondent in this contempt of court case is accepted as satisfactory and the contempt of case is closed leaving open the right of the petitioner to move the appropriate

forum seeking proper investigation, if he is not satisfied with the investigation conducted by the present investigating agency.

Sd/-
K.RAMAKRISHNAN, JUDGE

R.AV

//TRUE COPY//

PATO JUDGE