

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Con.Case(C).No. 820 of 2015 (S) IN WP(C).15953/2014

AGAINST THE JUDGMENT IN WP(C) 15953/2014 of HIGH COURT OF KERALA DATED
17-07-2014

PETITIONER:

SANOJ ABRAHAM MATHEW, AGED 44 YEARS,
S/O.LATE K.A.MATHEW, KALLUVETTAMKUZHIYIL HOUSE,
CHARUMOOTIL KADAVU, CHERUKOLE, PATHANAMTHITTA

BY ADV. SRI.V.K.SUNIL

RESPONDENTS:

1. T.NARAYANAN I.P.S (AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER)
DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

2. V.K.RAJU
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
DEPUTY SUPERINTENDENT OF POLICE,
(CRIME DETACHMENT), PATHANAMTHITTA.

BY GOVERNMENT PLEADER MR.JOBY JOSEPH

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: TRUE COPY OF THE JUDGMENT DATED 17.7.2014 OF THIS COURT
IN WP (C) NO.15953/2014.

ANNEXURE-A2: TRUE COPY OF THE LETTER DATED 26.2.2015 ISSUED TO THE
RESPONDENTS BY THE PETITIONER.

ANNEXURE-A3: TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARDS OF
ANNEXURE II NOTICE.

/TRUE COPY/

P.S TO JUDGE

K. RAMAKRISHNAN, J.

.....
Contempt Case (Civil) No.820 of 2015

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Dated this the 23rd day of July, 2015.

JUDGMENT

This contempt case was filed by the petitioner dissatisfied with the manner in which the investigation was conducted by the respondents in Crime No.1246/2012 of Aranmula police station.

2. It is alleged in the petition that a crime was registered on the basis of a statement given by the petitioner as Crime No.1246/2012 of Aranmula police station and since the investigating officer did not conduct the investigation properly, the petitioner filed W.P.(C)No.15953/2014 before this Court seeking intervention of this Court for proper investigation. In that the respondents filed a statement undertaking that they will conduct proper investigation and investigation has been entrusted to the Deputy Superintendent of Police, Crime Detachment, Pathanamthitta and it will be done under the supervision of the first respondent, the District Police Chief, Pathanamthitta. It was on that basis, this Court has closed the writ petition directing the investigating officer to conduct proper

investigation and if it is revealed that offence has been committed by any of the persons alleged, then proceeded against them in accordance with law by order dated 17.7.2014. According to the petitioner, there was no improvement in the investigation and the investigating officer has not obeyed the directions of this Court by conducting proper investigation and that prompted him to file this contempt petition.

3. On the basis of the allegations made in the petition, this Court has directed the respondents to file a statement regarding the progress of the investigation. Earlier though an opportunity was given, no statement was filed and this Court has expressed its concern in the manner in which the police officers are taking orders of this Court and it is thereafter a detailed statement has been filed by the second respondent stating progress of the investigation. In paragraphs 4 and 5 of that statement, the second respondent had detailed the steps taken as part of the investigation and the persons were questioned etc. It may be mentioned here that arrest of persons is required as claimed by the petitioner only if the investigating officer feels that arrest is required after interrogating them under section 41(A) of the Code of Criminal Procedure. So, under the circumstances,

merely because arrest was not recorded of any suspected persons questioned, is not a ground at this stage to come to a conclusion that investigation is not properly conducted by the investigating agency. Further, for any lapse in the investigation, filing the contempt petition is not the remedy. The petitioner can move the court under appropriate jurisdiction requesting for a better investigation by some other agency or seeking directions to be given to the investigating agency to conduct proper investigation. So, under the circumstances and also considering the statement filed by the second respondent, this Court feels that the investigation so far conducted is going in the right direction and there is nothing to show that there was any disobedience of any directions given by this Court so as to initiate contempt proceedings against the respondents. This Court only directed the investigating agency to conduct the investigation and if materials were collected reveal any commission of cognizable offence, proceed against those persons, who have said to have committed any offence, in accordance with law. So there is no necessity to take any contempt proceedings against the respondents. If the petitioner is not satisfied with the manner in which the investigation is

conducted by the investigating officer, then he is at liberty to move this Court under appropriate jurisdiction seeking for necessary directions for conducting proper investigation or to change the investigating agency, if so advised.

With the above directions and observations, this contempt case is closed. Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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