

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No. 120 of 2015 ()

CRIME NO.183/2014 OF RAILWAY POLICE STATION, SHORNUR.

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PETITIONER/ACCUSED:-

**ABDUL SATHAR. A., AGED 38 YEARS,
S/O.AMMEEDKUTTY, R/AT SHIBU NIWAS, THODIYUR,
THAZHAVA P.O, SASTHAMKOTTA TALUK,
KOLLAM DISTRICT - 690 523.**

BY ADV. SRI.JOHN T.PAUL.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:-

- 1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
RAILWAY POLICE STATION, SHORNUR.**

BY PUBLIC PROSECUTOR SMT.S. HYMA.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE AI:** A TRUE COPY OF THE FIR NO.183 DATED 10.10.2014 OF RAILWAY POLICE STATION, SHORNUR.
- ANNEXURE AII:** SEIZURE MAHASSAR IN CRIME NO.183/14 OF RAILWAY POLICE STATION, SHORNUR.
- ANNEXURE AIII:** TRUE COPY OF THE SUSPENSION ORDER NO.P.VIII-1/2014-EC-2/51 DATED 17.10.2014.
- ANNEXURE AIV:** LEAVE CERTIFICATE OF THE PETITIONER DATED 07.10.2014.
- ANNEXURE AV** COPY OF THE ENQUIRY REPORT NO.S2/12/DCRB/RL-15 DATED 26/02/2015 OF DY. SP., DCRB RAILWAYS, TVM.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

Cr1.M.C.No.120 Of 2015

Dated this the 15th day of June, 2015.

ORDER

The prayer in this Criminal Miscellaneous Case is for quashment of the impugned criminal proceedings pending against the petitioner in Annexure-A1 Crime No.183/2014 of Railway Police Station, Shornur. The main prayer of the petitioner is based on Annexure-V report dated 26.2.2015 submitted by the Deputy Superintendent of Police, District Crime Records Bureau, Railways, Thiruvananthapuram wherein it is inter alia pointing out several deficiencies in the investigation conducted in the crime by the investigating officer. By order dated 8.6.2015, this Court had requested to get instructions on the matters raised in Annexure-V reported dated 6.2.2015.

2. When the matter was taken up for consideration the learned Public Prosecutor on instructions submits that now the further investigation in the crime has been entrusted to the officer of the rank of Deputy Superintendent of Police, DCRB, Railways, Palakkad. Therefore, at this stage this Court is not inclined to consider the quashment of the impugned criminal proceedings merely based on

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Annexure-V report and other aspects urged in the Crl.M.C. Accordingly, it is ordered in the interest of justice that Deputy Superintendent of Police, DCRB, Railways, Palakkad will conduct effective further investigation in the crime so as to conduct the same in a fair and impartial manner. If the petitioner has any further grievance in the matter, he may approach the superior to the said Deputy Superintendent of Police and point out the deficiencies in the investigation and it is for the superior officer to examine such complaint and take appropriate action in the matter if so warranted. It is further ordered in the interest of justice that the Deputy Superintendent of Police, DCRB, Railways, Palakkad will take all sincere steps to ensure that investigation is completed without any further delay and it is expected that he will complete the investigation at least within period of 3-4 months from the date of receipt of a copy of this order.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-