

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Crl.MC.No. 2319 of 2015 ()

CP.NO. 2/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ANDROTH
CRIME NO. 8/2009 OF ANDROTH POLICE STATION, LAKSHADWEEP

PETITIONER/2ND ACCUSED :

MOHAMMED FAISAL P.P.,
S/O. POOKOYA THANGAL, AGED 38 YEARS
PADIPURA HOUSE, ANDROTT ISLAND
LAKSHADWEEP, PIN - 682 551.

BY ADV. SRI.R.ROHITH

RESPONDENT/STATE :

UNION TERRITORY OF LAKSHADWEEP
REPRESENTED BY PUBLIC PROSECUTOR, ANDROTT.

*ADDL. R2 IMPEADED

*ADDL.R2. MOHAMMED SALIH
AGED 47 YEARS, S/O. ATTAKOYA
PADANATTA, ANDROTT ISLAND
LAKSHADWEEP – 682 551.

*IS IMPEADED AS ADDL. R2 AS PER ORDER DT. 12.9.15 IN CRL.M.A.
NO. 7746/15 IN CRL.M.C. NO. 2319/15.

R1 BY ADV. SRI.S.RADHAKRISHNAN, SC
ADDL.R2 BY ADVS. SRI.S.U.NAZAR
SRI.MANSOOR B.H.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-11-2015,
ALONG WITH CRL.MC. 2767/2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

Mn

...2/-

Crl.MC.No. 2319 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1** **THE TRUE COPY OF THE FIRST INFORMATION REPORT
AGAINST THE PETITIONER IN CRIME NO. 8/2009 OF ANDROTT
POLICE STATION, LAKSHADWEEP.**
- ANNEXURE A2** **A TRUE COPY OF THE FINAL REPORT IN C.P. NO 2/14 FILED BY
THE ANDROTT POLICE BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, ANDROTT.**
- ANNEXURE A3** **A TRUE COPY OF THE F.I.R NO 10/2009 REGISTERED BY
INSPECTOR OF POLICE ANDROTT.**
- ANNEXURE A4** **A TRUE COPY OF THE FINAL REPORT IN C.C NO. 45/2011 FILED
BY THE ANDROTT POLICE BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, ATTINGAL.**

RESPONDENT(S)' EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
Crl.M.C. Nos.2319 & 2767 of 2015
.....

Dated this the 6th day of November, 2015

ORDER

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There is a chain of events in the incident in the case in which one Mohammed Salih, who is the additional 2nd respondent in Crl.M.C. No.2319/2015, was allegedly attempted to be murdered. It is alleged that he was severely attacked and finally, he took to heels with a view to escaping from the clutches of the accused in Crime No.8/2009 of Androth Police Station, Union Territory of Lakshadweep. He took shelter in the house of one Khadeejommabi. Some of the accused in Crime No.8/2009 including the other accused in Crime No.10/2009 of Androth Police Station, chased him, trespassed into the house and again attacked the injured. It is also alleged that substantial damage has been caused to the house. When final report has been filed, it seems that the investigating officer has filed a final

report which is presently pending as CP.2/2014 of the Judicial First Class Magistrate's Court, Androth in respect of the first part of the incident. The investigating officer has chosen to file a separate final report in Crime No.10/2009 with regard to the latter part of the very same incident. In fact, in both the crimes, the investigating officer ought to have filed one final report which should be comprehensive by covering the instances in CP.2/2014 as well as CC.45/2011.

2. It seems that there is gross procedural irregularity committed by the investigating officer in this case. That should not prejudice either the accused or the injured in the case. On going through the matter and hearing either side, this Court is of the view that the stalemate created on account of the filing of the two separate final reports can be resolved only by directing the investigating officer to conduct a further investigation in these two matters and to file a comprehensive final report clubbing both the matters

together. The proceedings in CP2/2014 of the Judicial First Class Magistrate's Court, Androth as well as CC.45/2011 of the said court are quashed. Both the final reports are quashed.

3. The investigating officer is directed to expedite the further investigation in the matter by clubbing these two incidents together and prepare a final comprehensive final report covering both the instances of the same incident together. Being a matter of 2009, the investigating officer shall file the further final report in the above manner, as expeditiously as possible, at any rate, within a period of two months.

In the result, these Crl.M.Cs. are allowed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/11

// True Copy //

PA to Judge