

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**CrI.MC.No. 1376 of 2014 ()**  
-----

**CRIME NO. 415/2010 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA**  
-----

**PETITIONER :**  
-----

**KUPPU SWAMY, S/O.DORAIL SWAMY,  
SABARIGIRI HOUSE, PERUNNA  
CHANGANASSERY.**

**BY ADVS.SRI.P.HARIDAS  
SMT.S.SIKKY  
SRI.P.C.SHIJIN**

**RESPONDENTS :**  
-----

- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.**
- 2. DISTRICT POLICE CHIEF,  
ALAPPUZHA - 688 001.**
- 3. SUPERINTENDENT OF POLICE  
CBCID (CRIMES), ALAPPUZHA - 688 001.**
- 4. CIRCLE INSPECTOR OF POLICE,  
ALAPPUZHA SOUTH POLICE STATION - 688 001.**
- 5. SUB INSPECTOR OF POLICE,  
ALAPPUZHA SOUTH POLICE STATION - 688 001**
- 6. MURUKAN  
S/O.CHELLAPPAN ASARY, ADITHYADAVE ENTERPRISES  
PALACE WARD, ALAPPUZHA - 688 001.**
- 7. NAJEEB, NAJEEB MANZIL,  
LEGENATHU WARD, ALAPPUZHA - 688 001.**
- 8. SABU,  
S/O.PRABHAKARAN, THAIPARAMBIL HOUSE  
WEST TO SNDP OFFICE, COLLECTORATE  
ALAPPUZHA - 688 001.**

9. MALIK MUHAMMED  
BAITHANNUR HOUSE, BEHIND ALISSERY COLONY  
LEGENATHU WARD, ALAPPUZHA - 688 001.

10. RIZAF, S/O SALI,  
HAZEENA MANZIL, LEGENETH WARD  
ALAPPUZHA - 688001.

11. BILAL, NAVAROJI PURAYIDOM,  
SNEHANAGAR - 27, LEGENETH WARD  
ALAPPUZHA - 688 001.

12. SURESH,  
S/O NARAYANAN PILLAI, SWARNAGARPHA HOUSE  
PAZHA VEEDU ALAPPUZHA - 88 001.

R1 TO R5 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE  
R7 TO R10 BY ADV. SRI.SUNIL J.CHAKKALACKAL  
R6 & R12 BY ADV. SRI.R.RAJENDRA PRASAD

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

bp

**Crl.MC.No. 1376 of 2014 ()**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

**ANNEXURE I : TRUE COPY OF THE FIR NO.415/2010 DATED 12.05.2010 OF  
CHEGANNUR.**

**ANNEXURE 2 : TRUE COPY OF THE FINAL REPORT IN ANNEXURE I  
DATED 16.07.2012**

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

**//TRUE COPY//**

**P.S. TO JUDGE**

**bp**

**B.KEMAL PASHA, J.**

.....  
CRL. M.C. No. 1376 of 2014  
.....

Dated this the 30<sup>th</sup> day of September, 2015

**ORDER**

The complaint of the petitioner is that in a serious case of abduction, dacoity etc. a proper investigation was not conducted and a final report has been filed without citing necessary witnesses to prove the incident.

2. It is the case of the petitioner that he was abducted from Changanassery and was taken to Alappuzha. No sufficient witnesses from Changanassery were cited. One witness was cited to prove the incident occurred at Changanassery. Even though he is one of the witnesses to the incident, he is one of the relatives of the petitioner. In

such a case, the investigating officer ought to have traced out other witnesses.

3. Similarly, the petitioner has got a complaint that the persons, who had aided the accused in carrying out the operation, are cited as some of the occurrence witnesses to prove the incident occurred at Alappuzha.

4. On hearing the learned counsel for the petitioner and on going through the facts and circumstances of the case, it seems that there is room for doubt in the investigation conducted by the investigating officer. Matters being so, a further investigation in the matter is required.

In the result, this CrI.M.C. is allowed and Dy.S.P. Alappuzha shall conduct a further investigation in Crime No.415/2010 of the South Police Station, Alappuzha, under the strict supervision of the District Police Chief, Alappuzha. The Dy.S.P. shall inform the matter to the Sessions Court, Alappuzha, where Sessions Case No.229/2013 is pending. Till such further investigation and further final report, all

further proceedings in S.C.No.229/13 of the Sessions Court,  
Alappuzha shall stand stayed.

**Sd/- B.KEMAL PASHA, JUDGE**

ul/-

[True copy]

P.S. to Judge