

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

CrI.MC.No. 2817 of 2015 ()

CRIME NO. 306/2015 OF KANNUR TOWN POLICE STATION, KANNUR DISTRICT

PETITIONER/DEFACTO COMPLAINANT:

**SUJI K. SUDHAKARAN, AGED 40 YEARS,
VRINDHAVAN HOUSE, THANA, KANNUKKARA,
KANNUR.**

**BY ADVS.SRI.P.V.MIDHUN
SRI.K.PRASAD (KANNUR)
SRIC.H.NITHIN**

RESPONDENT(S)/ACCUSED:

- 1. THE SUB INSPECTOR OF POLICE,
KANNUR TOWN POLICE STATION, PIN-670 001**
- 2. SANJEEV KUMAR,
S/O.ASHOK KUMAR, KARTHIKA, PALLIKUNNU,
KANNUR. PIN-670 512**

**R1 BY PUBLIC PROSECUTOR SMT. P.MAYA
R2 BY ADVS. SRI.P.SUJITH KUMAR
SRI.N.KRISHNA PRASAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 2817 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1 : TRUE PHOTOCOPY OF THE COMPLAINT FILED BEFORE JFCM 1
 KANNUR.**

**ANNEX 2 : TRUE COPY OF THE PETITION FILED BY PETITIONER IN
 CRIME.NO. 306/2015.**

ANNEX 3 : TRUE COPY OF COMPLAINT.

**ANNEX 4 : TRUE COPY OF THE REPORT FILED BY THE CALICUT CITY
 COMMISSIONER AGAINST ACCUSED.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.2817 of 2015
.....

Dated this the 3rd day of September, 2015

ORDER

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The petitioner has approached this Court for a direction to the Kannur District Police Chief to take the custody of the vehicle bearing registration No.KL-13AD-6000. It is the case of the petitioner that the said Innova car was given by him to the 2<sup>nd</sup> respondent, who was his friend, for his personal use and thereafter, the same was not returned. According to the petitioner, when the matter was complained of by him before the police, the police were hand in gloves in collecting the records of the vehicle from him and in handing over it to the 2<sup>nd</sup> respondent.

2. Heard learned counsel for the petitioner, learned Senior Counsel for the 2<sup>nd</sup> respondent and learned Public Prosecutor.

3. Learned Senior Counsel for the 2<sup>nd</sup> respondent has argued that in fact, the petitioner was the driver of the 2<sup>nd</sup> respondent and the vehicle was registered in the name of the

petitioner. It is further argued that all the records of the vehicle are in the custody of the 2<sup>nd</sup> respondent.

4. On going through the report filed by the investigating officer and on hearing either side, this Court is satisfied that the present investigation is not in the correct line. Of course, the relief sought for by the petitioner cannot be granted by this Court. At the same time, this Court is of the view that the investigation has to be handed over to the Dy.S.P., Kannur.

In the result, this Crl.M.C. is disposed of by directing the present investigating officer to handover all the records to the Dy.S.P., Kannur. The Dy.S.P., Kannur shall conduct a proper investigation in the matter.

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

aks/03/09

*// True Copy //*

*PA to Judge*