

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 1633 of 2014 ()

CC. NO.333/2012 OF CHIEF JUDICIAL MAGISTRATE COURT (ECONOMIC OFFENCES),
ERNAKULAM.

CRIME NO. 1546/2010 OF ERNAKULAM TOWN SOUTH POLICE STATION.

PETITIONERS/ACCUSED 1, 2, 4, 6:

- 1. P. PRATHAP CHANDRAN, AGED 60 YEARS,
S/O. PADMANABHAN, GURUPREETHI HOUSE,
PONNURUNNI NURSERY SCHOOL ROAD,
PONNURUNNI DESOM, POONITHURA VILLAGE,
KANAYANNUR TALUK.**
- 2. K.G. SOMARAJAN, AGED 56 YEARS,
S/O. GANGADHARAN, A 204, SANTHI APARTMENT, LOUIS LANE,
YUVAJANASAMAJAM ROAD, KADAVANTHRA KARA,
ELAMKULAM VILLAGE, KANAYANNUR TALUK.**
- 3. C.J. VARGHESE, AGED 53 YEARS,
S/O. JOSEPH, NELLIMALA HOUSE,
ANANTHURUTHICHIRA ROAD,
KOCHUKADAVANTHRA KARA,
ELAMKULAM VILLAGE, KANAYANNUR TALUK.**
- 4. RAMACHANDRAN NAIR M.N. AGED 59 YEARS,
S/O. NARAYANAN NAIR, RACHANA HOUSE,
CHITHRA NAGAR, THRIPPUNITHURA DESOM,
THEKKUMBHAGOM VILLAGE, KANAYANNUR TALUK.**

BY SRI.K.RAMAKUMAR, SENIOR ADVOCATE.
ADVS. SRI.S.M.PRASANTH,
SMT.ASHA BABU,
SRI.M.MANOJKUMAR (CHELAKKADAN),
SMT.AMMU CHARLES.

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. THE STATION HOUSE OFFICER,
ERNAKULAM TOWN SOUTH POLICE STATION,
THEVARA, ERNAKULAM, KOCHI-682 013.**

**3. C.P. XAVIER, CHIRAYATH HOUSE,
CHERANALLOOR P.O., KOOVAPADY,
PERUMBAVOOR-683 544.**

*** ADDL. R4 IMPEADED**

**4. COCHIN SHIPYARD STAFF CO-OPERATIVE HOUSE
CONSTRUCTION SOCIETY LTD. NO.346,
PERUMANOOR, KOCHI-20,
REPRESENTED BY ITS SECRETARY.**

*** IS IMPEADED AS ADDL. R4 AS PER ORDER DATED 16/12/2014 IN
CRL.MA. NO.11578/2014 IN CRL.MC. NO.1633/2014.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.P. MAYA.
R3 BY ADVS. SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN.
ADDL. R4 BY ADVS. SRI.C.S.AJITH PRAKASH,
SRI.P.S.SYAMKUTTAN.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A:- TRUE COPY OF THE PETITION DTD. 11/02/2013 FILED BY THE DEFACTO COMPLAINANT BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT- I , ERNAKULAM.
- ANNEXURE B:- TRUE COPY OF THE REPORT DTD. 13/02/2014 SUBMITTED BY THE POLICE BEFORE THE MAGISTRATE.
- ANNEXURE C:- TRUE COPY OF THE ORDER DTD. 13/02/2014 IN CMP NO. 491 OF 2014 IN CC. 333 OF 2012 ON THE FILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT (E.O), ERNAKULAM.
- ANNEXURE D:- TRUE COPY OF THE ORDER DTD. 13/02/2014 IN CMP NO. 491 OF 2014 IN CC NO. 333 OF 2012 ON THE FILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E.O), ERNAKULAM.

RESPONDENT'S ANNEXURES:-

- ANNEXURE R1A COPY OF THE REPORT SUBMITTED BY THE DETECTIVE INSPECTOR.
- ANNEXURE R1B COPY OF THE LETTER DATED 19/01/2013.
- ANNEXURE R1C COPY OF THE LETTER DATED 07/02/2013.
- ANNEXURE R1D COPY OF THE PROCEEDING OF THE DISTRICT POLICE CHIEF, KOCHI CITY.
- ANNEXURE R4A COPY OF THE FINAL REPORT IN CRIME NO.1253/2012 OF E.T. SOUTH POLICE DATED 26/09/2012.
- ANNEXURE R4B COPY OF THE ORDER DATED 21/06/2012 IN CRL.MC. NO.2504/2011.
- ANNEXURE R4C COPY OF THE ORDER DATED 20/01/2011 IN BA. NO.7038/2010.
- ANNEXURE R4D COPY OF THE ORDER IN CRL.MA. NO.4143/2011 IN BA NO.7038/2010 DATED 07/07/2011.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1633 of 2014 C
.....

Dated this the 17th day of November, 2015

ORDER

~~~~~

Annexure-D order is under challenge. This is a matter wherein a further investigation was ordered under Section 173(3) Cr.P.C. by the Superintendent of Police. The Superintendent of Police has got the authority to order a further investigation in case there are sufficient grounds. In such case, any permission from the court below is not required. What is contemplated under law and precedents, is that in case of such further investigation, the investigating officer shall report the matter before the concerned court where the matter is pending and seek a formal permission. It does not mean that any permission is required. It can even be reported before the concerned court that a further investigation is going on in the matter. In such case, the

concerned court has to take it as an intimation regarding such further investigation and the court shall keep the matter in abeyance till a further final report is filed in the matter. Annexure-D order is to that effect. There is absolutely nothing to interfere with Annexure-D order. Let the further investigation continue in the matter and a further final report be filed expeditiously.

With the said observations, this CrI.M.C. is dismissed.

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

aks/17/11

*// True Copy //*

*PA to Judge*