

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 1909 of 2013 ()

**CRIME NO. 432/2013 AND 457/2013 OF CANTONMENT POLICE STATION ,
THIRUVANANTHAPURAM.**

PETITIONER(S)/PETITIONERS:

- 1. ABDUL HAKKIM,
S/O.LATE SHAHUL HAMEED, R/A.T C 46/279/1, MKS MANZIL,
PARUTHIKUZHI, POONTHURA P O, THIRUVANANTHAPURAM.**
- 2. AL-AMEEN,
ASSISTANT IMAM, SALAFI CENTRE,
OOTUKUZH, R/A.T. C.45/664, PUTHUVAL HOUSE,
MILA COLONY ROAD, BEEMAPALLI, VALLAKKADAVU P. O.,
TRIVANDRUM.**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-695 001.**
- 2. DIRECTOR GENERAL OF POLICE,
KERALA STATE, TRIVANDURM-695 001.**
- 3. INSPECTOR GENERAL OF POLICE,
TRIVANDURM RANGE, TRIVANDRUM-695 001.**
- 4. CITY COMMISSIONER OF POILCE,
TRIVANDRUM CITY, TRIVANDRUM-695 001.**
- 5. ASSISTANT COMMISSIONER OF POLICE,
CANTONMENT, TRIVNADRUM CITY, TRIVANDRUM-695 001.**
- 6. SUB INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, THIRUVANANTHAPURAM CITY-695 001.**
- 7. M SHOUKATHALI,
S/O.MUHAMMADKASIM, RUBY MANZIL, MOTTALUMVILA,
KUTTICAL P. O, TRIVANDRUM-695 007.**

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8. VATTAPPARA MAHEEN,
S/O.VATTAPPARA MAJEED, T. C. NO 44/1459,
PUTHUVALPUTHAN VEEDU, PARUTHIKKUZHY, MANACAUD P. O.,
TRIVANDRUM-695 009.
9. SHAHULHAMEED,
S/O.SAINULABDEEN, RAHUMATH MANZIL, BALAVAN NAGAR,
MANACAUD P. O, TRIVANDRUM-695 009.
10. NIZAR AHAMMED,
S/O.SAINULABDEEN, RAHUMATH MANZIL, BALAVAN NAGAR,
MANACAUD P. O, TRIVANDRUM-695 009.
11. NOUSHAD,
S/O.ALIKKANNU (BEEDI MAKER) MITHRA NAGAR,
PUTHUVALPUTHAN VEEDU, PARUTHIKKUZHY, POONTHURA P. O.,
TRIVANDRUM-695 026.
12. ABDUL RAHUMAN
S/O.ASSANARUPILLAI, PALLY STREET,
NEAR FATHIMA HOSPITAL, POONTHURA P. O.,
TRIVANDRUM-695 009.
13. KABEER,
S/O.ALI (BEEDI MAKER), AMMACHI MUKKU, PARUTHIKUZHI,
TRIVANDRUM-695 071.
14. FIROZ, NEAR PUTHUKKATTIL FINANCE,
SM LOCK, POONTHURA P. O., TRIVANDRUM-695 071.
15. SANOOFER,
NEAR PUTHUKATTIL FINANCE, SM LOCK, POONTHURA P. O.,
TRIVANDRUM-695 071.
16. RAHMATHULLAH, AZAD NAGAR,
POONTHURA, TRIVANDRUM-695 071.
17. SHAJI,
KSEB, THEMBAMOODU, VENJARAMOODU,
THIRUVANANTHAPURAM-695 096.
18. NAZEER,
THOUHEED MANZIL, VALLAKKADAVU P. O., TRIVANDRUM-695 036.
19. KABEER MADANI,
AKBER TRAVELS, VELLAYAMBALAM, TRIVANDRUM-690 131.

R7TO R19 BY ADV. SRI.SHAJIN S.HAMEED
R1 TO R6 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

:

ANNEX.1:- THE TRUE COPY OF THE FIR IN CRIME NO 432 OF 2013 OF CANTONMENT
POLICE STATION

ANNEX.2:- THE TRUE COPY OF THE FIR IN CRIME NO 457 OF 2013 OF CANTONMENT
POLICE STATION

ANNEX.3:- THE TRUE COPIES OF THE PHOTOGRAPHS

ANNEX.4:- THE TRUE COPY OF THE REPRESENTATION DTD 22/4/2013 SUBMITTED
BEFORE RESPONDENTS 2 TO 4

RESPONDENT(S)' EXHIBITS

:

NIL

//True Copy//

P.A. to Judge

K. RAMAKRISHNAN, J.

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Crl. M.C. No.1909 of 2013

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Dated this the 27th day of March, 2015

ORDER

This is an application filed by the petitioners for entrusting the investigation to some other agency for the proper investigation of Crime Nos.432/2013 and 457/2013 of Cantonment police station of Thiruvananthapuram City, under Section 482 of the Code of Criminal Procedure.

2. It is alleged in the petition that, the petitioners are the defacto-complainants in Crime Nos.432/2013 and 457/2013 of Cantonment police station of Thiruvananthapuram City. Both these cases are registered on the basis of the complaints filed by the petitioners before the Judicial First Class Magistrate Court-III, Thiruvananthapuram, which was forwarded to the police for investigation by the learned magistrate under Section 156(3) of the Code of Criminal Procedure. The allegation in

the complaints was that, on 29.03.2013, at about 10.30 a.m., respondents 7 to 19 along with number of persons, numbering around 75 persons, criminally trespassed into the area where office bearers alone were allowed to enter, broke opened the locks and looted money as well as records and took the same in the vehicles to unknown places. The second petitioner is working as Assistant Imam and one Abdul Majeed and M.Mohammad, who were working as employees were brutally manhandled by the miscreants and committed theft of articles worth ₹2,92,000/- along with important records. The room of Mohammad Ali, Private Secretary to Hon'ble Minister, Shri. Manjalamkuzhy Ali, was also broken opened and his personal articles were stolen. The articles and other records were taken away by using the auto-rickshaw and car. Though the petitioners approached 5th and 6th respondents seeking investigation to the events, they did not register any crime, which resulted in filing of Annexure-I and II complaints before the Judicial First Class Magistrate Court-III, Thiruvananthapuram,

which were forwarded to the police for investigation and Annexure-I Crime No.432/2013 of Cantonment police station was registered, alleging offences under Section 120(b), 143, 147, 149, 384, 392, 324, 325 read with Section 34 of the Indian Penal Code, against 13 named accused persons including respondents 7 to 19 and other 75 identifiable persons and also Annexure-II first information report as Crime No.457/2013 of Cantonment police station, alleging offences under Section 143, 147, 149, 506(2), 324, 325, 380, 384 read with Section 34 of the Indian Penal Code, against 8 named persons and other 75 identifiable persons. According to the petitioners, the investigation has not been properly conducted, so they filed this petition, seeking the intervention of this court with the following relief:

“It is most humbly prayed that this Hon'ble Court may be pleased to direct the 1st and 2nd respondents to constitute a Special Investigation Team for investigating Crime Nos.432/2013 and 457/2013 of Cantonment Police Station, Thiruvananthapuram City on the file of the Judicial First Class Magistrate Court-III, Thiruvananthapuram and entrust the investigation to that special team”.

3. The Circle Inspector of police, Cantonment Police Station, earlier filed the statement, stating that, two crimes were registered as Crime No.432/2013 and 457/2013 on the basis of the complaints filed by them before the Judicial First Class Magistrate Court-III, Thiruvananthapuram, which was forwarded to the police for investigation under Section 156(3) of the Code of Criminal Procedure. Earlier on the basis of the petition filed by the second petitioner, another crime was registered as Crime No.402/2013 on 01.04.2013 under Section 394 of the Indian Penal Code and all these cases were being investigated earlier by the Sub Inspector of Police, Cantonment police station. During investigation in these cases, further investigation of Crime No.432/2013 and 457/2013 were ordered to be conducted by Circle Inspector of Police, Cantonment police station, Thiruvananthapuram City, as per the orders of the Deputy Commissioner of Police, Administration, Thiruvananthapuram City and all these three cases were clubbed together and being

investigated as one in Crime No.457/2013 and the investigation is being done in the proper manner. Thereafter, again another statement was filed by the Inspector of Police, Cantonment Circle, Thiruvananthapuram District, stating that, the investigation is still in progress and they will be able to complete the investigation shortly. They have also stated that, no accused were arrested and no registers could be collected as evidence. In view of the law and order situation, proceedings under Section 145 of the Code of Criminal Procedure had been initiated and the movable and immovable properties of salaphi centre were entrusted to Shri. Zakeer Hussain, as receiver by the orders of the Sub Divisional Magistrate in M.C.42/2013.

4. When the application came up for hearing today, Smt. V.H. Jasmine, Government Pleader appearing for the Official respondents submitted that, they want one months time to complete the investigation. On going through the statement filed by the investigating officer, this

court feels that, there is no necessity to entrust the investigation to some other agency, as the investigation is going in the proper direction and the investigation is being done by the Circle Inspector of police, as directed by the Deputy Superintendent of Police, Administration. So the above statement of the Public Prosecutor is recorded and the petition is disposed of accordingly. If the petitioners are not satisfied with the outcome of the investigation, they are at liberty to challenge the same before the appropriate authorities in accordance with law, later.

Sd/-

K. Ramakrishnan, Judge

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P.A. to Judge

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