

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Crl.MC.No. 3060 of 2015 ()

VC 04/14/SCK - VACB, KOZHIKODE

PETITIONER :

A.M.IBRAHIM
S/O. ABDU RAHIMAN, AGED 71 YEARS
33/625, BABY NIVAS
BIG BAZAR, PERINTHALMANNA

*ADDL. P2 IMPEADED

*ADDL.P2. BABY FIROZ
D/O. A.M.IBRAHIM
AGED 43 YEARS, 33/625, BABY NIVAS
BIG BAZAR, PERINTHALMANNA
PIN – 679 322.

*IS IMPEADED AS ADDL.P2 AS PER ORDER DATED 17/6/2015 IN
CRL.MA NO. 5716/15 IN CRL.MC. NO. 3060/15.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU, SPECIAL CELL
THONDAYAD, CHEVARAMBALAM P.O., KOZHIKODE - 673 017

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF MEMO DATED 9.12.2014 FILED ON BEHALF OF THE RESPONDENT IN CRL.MC NO.6828/2014 ALONG WITH THE DOCUMENT PRODUCED ALONG WITH THE MEMO.
- ANNEXURE A2:** TRUE COPY OF REPRESENTATION DATED 22.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- ANNEXURE A3:** TRUE COPY OF JUDGMENT DATED 16.1.2015 IN WP(C) NO. 1602/2015 PASSED BY THIS HON'BLE COURT.
- ANNEXURE A4:** TRUE COPY OF COVERING LETTER DATED 24.1.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH ITS RECEIPT.
- ANNEXURE A5:** TRUE COPY OF LETTER NO. E-403/14/SCK DATED 28.1.2015 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE A6:** TRUE COPY OF ORDER DATED 1.4.2015 ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE A7:** TRUE COPY OF LETTER DATED 19.6.2015 SUBMITTED BY THE PETITIONER BEFORE THE STATE PUBLIC INFORMATION OFFICER, VIGILANCE & ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM UNDER RIGHT TO INFORMATION ACT.
- ANNEXURE A8:** TRUE COPY OF LETTER DATED 19.6.2015 SUBMITTED BY THE PETITIONER BEFORE THE STATE PUBLIC INFORMATION OFFICER, OFFICE OF THE SUPERINTENDENT OF POLICE, VIGILANCE & ANTI CORRUPTION BUREAU, SPECIAL CELL, KOZHIKODE UNDER RIGHT TO INFORMATION ACT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B.KEMAL PASHA, J.

.....
CRL. M.C. No.3060 of 2015
.....

Dated this the 2nd day of September, 2015

ORDER

A vigilance enquiry is going on against the disproportionate assets of one Khamarudheen, who is the husband of the additional 2nd petitioner. The petitioner wanted a copy of the vigilance enquiry report.

2. According to the petitioner, a copy of the vigilance enquiry report was issued to another person and therefore, there is nothing wrong on the part of the Vigilance and Anti-Corruption Bureau in issuing a copy of the report of the vigilance enquiry to the petitioner also.

3. The Superintendent of Police, Vigilance and Anti-Corruption Bureau, Special Cell, Kozhikode has reported that if a copy of the vigilance enquiry report is issued as sought for, it would impede the investigation process. It has been further reported that by mistake, a copy of the report

happened to be issued to one Gokul Prasad by the State Public Information Officer and Manager of Directorate VACB, Thiruvananthapuram and when that fact came to the notice of the Director Vigilance and Anti-Corruption Bureau, the said officer was warned.

4. On hearing either side and on going through the facts of this case, this Court is of the view that as per Section 8(1)(h) of the Right to Information Act, copy of such proceedings need not be issued. The contention resorted to by the Superintendent of Police, Vigilance and Anti-corruption Bureau, as aforesaid, seems to be correct. Matters being so, this Crl.M.C. is devoid of merits, and it is only to be dismissed, and I do so.

In the result, this Crl.M.C is dismissed.

Sd/-

B. KEMAL PASHA, JUDGE.

ul/-

// True Copy //

PS to Judge