

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Crl.MC.No. 3108 of 2015 ()

CRIME NO. 7/2014 OF VACB, KANNUR , KANNUR

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PETITIONERS:

1. MOHANAN NAMBIAR, AGED 54 YEARS,
S/O.K.K.NARAYANAN NAMBIAR, THIRUVATHIRA,
NEAR GOPALAN PEEDIKA, KAYARALAM,
JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.
2. SREEKUMAR. J.S, AGED 52 YEARS,
S/O.M.K. NAIR, SREENILAYAM, VENKULAM,
EDAVA. P.O, THIRUVANANTHAPURAM,
MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.
3. SUDHEEP.B.K, AGED 40 YEARS,
S/O.C.V.KAMALASANAN, CHAITHANYA, KALLARAKKADAVU,
PATHANAMTHITTA, MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.
4. PREMARAJAN.K.V, AGED 38 YEARS,
S/O.KUNHIKRISHNA POTHUVAL, KOZHUMMAL HOUSE,
PERALAM, KOZHUMMAL. P.O, PAYYANNUR,
ASSISTANT MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.
5. SAJU.V.J, AGED 26 YEARS,
S/O.V.J.JOHN, VILANGAYIL HOUSE, VELLARIKUNDU.P.O.,
KASARAGOD, ASSISTANT MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.
6. C.N.PADMARAJAN, AGED 28 YEARS,
S/O.K.PADMANABHAN NAIR, CHITTAIKUNNAN HOUSE,
MAVUNGAL, ANANDASRAMAM. P.O, KANHANGAD,
ASSISTANT MOTOR VEHICLE INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE, THALIPARAMBA.

BY ADV. SRI.P.VMOHANAN.

Crl.MC.No. 3108 of 2015

RESPONDENTS:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|-------------------|---|
| ANNEXURE 1 | CERTIFIED COPY OF THE FIRST INFORMATION REPORT
DATED 30/12/2014. |
| ANNEXURE-2 | TRUE COPY OF THE CIRCULAR NO.27/08 DATED 23.12.2008 |
| ANNEXURE-3 | TRUE COPY OF THE CIRCULAR NO.16/2013 DATED 03.07.2013. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.3108 of 2015

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Dated this the 31st day of August, 2015

ORDER

It is alleged that on 28.06.2014 the Officers of the Vigilance and Anti-Corruption Bureau under the leadership of the DySP, had conducted a surprise check at the Sub Regional Transport Office, Thaliparamba. They could see three 'RT agents' standing in front of the office counter with applications of other persons and with an amount of ₹39,585/-. According to the Vigilance and Anti-Corruption Bureau, accused Nos.1 to 6 being public servants, have abused their official position and favoured the 'RT agents' for obtaining illegal pecuniary advantages. By making such an allegation, Crime No.07/14/VACB has been registered alleging offences punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruptions Act, 1988.

2. Heard the learned counsel for the petitioners and

the learned Public Prosecutor of the respondent.

3. The report filed by the investigating officer has been perused. Even if three persons were present with the said amount and applications in front of the court, it will not constitute the offences under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruptions Act, 1988, as against these petitioners. There is no allegation that any of the petitioners had demanded or received any amount from the said 'RT agents'. There is no allegation that any of the petitioners had obtained any amounts from the 'RT agents' for themselves or for others. In such a context, based on the aforesaid allegations in Annexure 1 FIR, the said offences cannot be alleged against the petitioners. According to the investigating officer, he wants to conduct investigation for other offences. The investigating officer can well do it. At the same time, it is made clear that based on the existing

allegations in Annexure 1 FIR, the offences under Section 13 (1)(d) read with Section 13(2) of the Prevention of Corruptions Act, 1988 are not legally sustainable as against the petitioners herein.

With the said observations, this Crl.M.C is disposed of .

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/1/9/15