

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Crl.MC.No. 3749 of 2015

**CC 45/2011 IN CRIME NO.10/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
ANDROTH**
.....

PETITIONER(S):

- 1. DR.MOHAMMED YAHYA P.P., AGED 27 YEARS,
S/O.SHAIKIYA AMMADA KOYA, PADIPURA HOUSE,
ANDROTT ISLAND, LAKSHADWEEP, PIN-682 551.**
- 2. ZAKARIYA P.P., AGED 27 YEARS,
S/O.SHAIKIYA AMMADA KOYA, PADIPURA HOUSE,
ANDROTT ISLAND, LAKSHADWEEP, PIN-682 551.**

BY ADV. SRI.R.ROHITH

RESPONDENT(S):

**UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ADMINISTRATOR,
KAVARATTI - 682 555, REPRESENTED BY
SC LAKSHADWEEP.**

BY ADV. SRI.S.RADHAKRISHNAN, SC

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-11-2015 ALONG WITH CRL.MC.5146/2015 THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1- A TRUE COPY OF THE F.I.R NO.10/2009 REGISTERED BY INSPECTOR OF POLICE ANDROTT.

ANNEXURE A2- A TRUE COPY OF THE FINAL REPORT IN C.C.NO.45/2011 FILED BY THE ANDROTT POLICE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ANDROTT.

ANNEXURE A3- THE TRUE COPY OF THE FIRST INFORMATION REPORT AGAINST THE PETITIONER IN CRIME NO.8/2009 OF ANDROTT POLICE STATION, LAKSHADWEEP.

ANNEXURE A4- A TRUE COPY OF THE FINAL REPORT IN C.P.NO.2/14 FILED BY THE ANDROTT POLICE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ANDROTT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

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Crl.M.C. Nos.3749 & 5146 of 2015 D
.....

Dated this the 9th day of November, 2015

ORDER

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There is a chain of events in the incident in the case in which one Mohammed Salih was allegedly attempted to be murdered. It is alleged that he was severely attacked and finally, he took to heels with a view to escaping from the clutches of the accused in Crime No.8/2009 of Androth Police Station, Union Territory of Lakshadweep. He took shelter in the house of one Khadeejommabi. Some of the accused in Crime No.8/2009 including the other accused in Crime No.10/2009 of Androth Police Station, chased him, trespassed into the house and again attacked the injured. It is also alleged that substantial damage has been caused to the house. When final report has been filed, it seems that the investigating officer has filed a final report which is presently pending as CP.2/2014 of the

Judicial First Class Magistrate's Court, Androth in respect of the first part of the incident. The investigating officer has chosen to file a separate final report in Crime No.10/2009 with regard to the latter part of the very same incident. In fact, in both the crimes, the investigating officer ought to have filed one final report which should be comprehensive by covering the instances in CP.2/2014 as well as CC.45/2011.

2. It seems that there is gross procedural irregularity committed by the investigating officer in this case. That should not prejudice either the accused or the injured in the case. On going through the matter and hearing either side, this Court is of the view that the stalemate created on account of the filing of the two separate final reports can be resolved only by directing the investigating officer to conduct a further investigation in these two matters and to file a comprehensive final report clubbing both the matters together. The proceedings in CP2/2014 of the Judicial First

Class Magistrate's Court, Androth as well as CC.45/2011 of the said court are quashed. Both the final reports are quashed.

3. The investigating officer is directed to expedite the further investigation in the matter by clubbing these two incidents together and prepare a final comprehensive final report covering both the instances of the same incident together. Being a matter of 2009, the investigating officer shall file the further final report in the above manner, as expeditiously as possible, at any rate, within a period of two months.

In the result, these CrI.M.Cs. are allowed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/11/11

// True Copy //

PA to Judge