

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4422 of 2015

**CMP 533/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - 1, TRIVANDRUM
CRIME NO. 135/2013 OF NEDUMANGAD POLICE STATION, THIRUVANANTHAPURAM**
.....

PETITIONER(S)/DEFACTO COMPLAINANT:

**BALACHANDRAN, AGED 45 YEARS,
S/O.PARAMESWARAN NAIR, AGRICULTURE OFFICER,
DEPARTMENT OF AGRICULTURE,
ON DEPUTATION AS REGIONAL MANAGER (PROJECTS),
KERALA STATE HORTICULTURAL PRODUCTS
DEVELOPMENT CORPORATION,
RESIDING AT SREESADAN, CONVENT ROAD, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENT(S)/ACCUSED AND STATE:

- 1. S.KRISHNAKUMARI, AGED 58 YEARS,
MELATHIL VEEDU, T.C.29/1989, THALIYAL,
KARAMANA P.O., MANACAUD VILLAGE,
THIRUVANANTHAPURAM - 695 032.**
- 2. SUB INSPECTOR OF POLICE,
NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM - 695 037.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT,
PIN - 682 031.**

R2 & R3 BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. A TRUE COPY OF THE COMPLAINT DATED 29.01.2013 FILED BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD.**

**ANNEXURE A2. A TRUE COPY OF THE FIR NO.135/2013 DATED 05.02.2013
REGISTERED IN THE NEDUMANGAD POLICE STATION.**

**ANNEXURE A3. A TRUE COPY OF THE APPLICATION FOR SPECIAL LOAN SUBMITTED
BY THE 1ST RESPONDENT DATED 06.12.2003.**

**ANNEXURE A4. A TRUE COPY OF THE SALARY CERTIFICATE, DATED 03.12.2013
SUBMITTED BY THE 1ST RESPONDENT BEFORE THE KERALA
GAZETTED OFFICER CO-OPERATIVE SOCIETY LTD.NO.424.**

**ANNEXURE A5. A TRUE COPY OF THE REPLY RECEIVED BY THE PETITIONER AS PER
THE RIGHT TO INFORMATION ACT REGARDING THE ACTUAL DATE OF
BIRTH AND DATE OF RETIREMENT OF THE 1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

ALEXANDER THOMAS, J.

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Dated this the 4th day of August, 2015.

ORDER

The prayer in this Crl.M.C is as follows:

“To issue an Appropriate order directing the 2nd Respondent to conduct an effective investigation on Annexure A2 FIR and submit final report before Judicial First Class Magistrate Court-II, Nedumangad within three months.”

2. As directed by this Court, the 2nd respondent-Investigating Officer in the crime concerned has filed a statement dated 25.7.2015. It will be profitable to go through the contents of the statement which reads as follows:

“1. It is humbly submitted that, the case in brief is that, on 18.12.2003, the accused Krishnakumari, Melethil Veedu, Kaliyal, Karama, working as a treasurer in Taluk Head Quarters Hospital, Nedumangas during the period 2003 has availed a loan from Kerala Gazetted Officers Society by submitted a salary certificate of herself and making the complainant as a surety. But the salary certificate submitted by the accused was a forged one by forging her date of birth as 26.12.1954 instead of her original date of birth 26.12.2009 and her retirement date as 31.12.2007 instead of 31.12.2009. In addition to this, the accused had not repayed the loan instalments till her retirement from the service. After this, a notice was sent from the society to the surety for recovering the entire loan amount. Soon he approached the Court for seeking redressal of his grievances. Thus the

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accused cheated the society by producing forged documents not repaying the loan amounts and the surety Balachandran.

2. It is respectfully submitted that, on the basis of CMP filed by the complainant before Judicial First Class Magistrate Court-I, thiruvananthapuram a case was registered in Cr.115/13 u/s 420, 467, 468, 167 IPC at Karama Police Station. Since the place of occurrence in this crime falls within the limit of Nedumangad Police Station the CD file fo the same forwarded to the Station House Officer, Nedumangad for further investigation. As such the case was re-registered in Cr.135/2013 u/s. 420, 467, 468, 167 IPC. During the course of investigation, Investigating Officer recorded statements of some witnesses. Only after verify the more witnesses the real facts of the case can be brought to light. More time to be needed to recover the bank documents and others.

3. It is respectfully submitted that in the meantime he petitioner had approached Kerala Lokayuktha for granting an Interim Order to stop the recovery from the petitioner till the disposal of the case which had caused delay in the investigation of the case.

4. It is respectfully submitted that the original salary certificate submitted by the accused need to be recovered from Kerala Gazetted Officers Society and more witnesses needs to be questioned. The investigation will be completed soon and charge sheet will be submitted to the concerned Court immediately.”

It is undertaken by the Investigating Officer that investigation in the crime will be completed soon and charge sheet will be submitted to the concerned court immediately.

3. Heard Sri.Thirumala P.K.Mani, learned counsel for the petitioner and the learned Public Prosecutor appearing for respondents 2 & 3.

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4. In the facts and circumstances of the case and in the interest of justice it is ordered that the investigation shall be completed in its entirety without any further delay as undertaken before this Court by the Investigating Officer. The District Police Chief, Thiruvananthapuram will ensure that the further investigation in this crime shall be supervised by an officer superior to the Inspector General of Police so as to give a quietus to the further investigation in the case. This shall be done on a fortnightly basis. Such further investigation shall also be reviewed at least on a six weeks' basis by the District Police Chief, Thiruvananthapuram Rural, so as to ensure that investigation is proceeding in proper lines so that fine tuning of the investigation is done effectively and properly. It is hoped and expected that the District Police Chief shall ensure that the investigation in its entirety will be completed within three months from the date of production of a certified copy of this judgment.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-