

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 4679 of 2015

**CC 202/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, NORTH PARAVUR
CRIME NO. 5/2007 OF VADAKKEKARA POLICE STATION , ERNAKULAM**

PETITIONER/DEFACTO COMPLAINANT:

**GOPALAKRISHNAN @ AMBADY GOPALAKRISHNAN, AGED 37 YEARS,
S/O DEVADAS, PAZHAMPILLYSSERIL HOUSE, MANAKKAPADY,
KARUMALLOOR P.O., NORTH PARAVUR, ERNAKULAM DISTRICT,
PIN:683511.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.**
- 2. SUB INSPECTOR OF POLICE,
VADAKKEKKARA POLICE STATION, NORTH PARAVUR,
ERNAKULAM-683513.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 4679 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE I: TRUE COPY OF ORDER IN CRL.M.C.NO.665/07.

**ANNEXURE II: TRUE COPY OF ORDER IN CMP NO.520/13 IN C.C.202/08 ON THE FILED
OF JFCM-PARAVUR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S.TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.4679 of 2015

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Dated this the 19th day of August, 2015

O R D E R

The prayer in this Crl.M.C instituted under Section 482 of the Cr.P.C seeking invocation of the inherent powers conferred on this Court as per that provisions is as follows:

“... to direct the Superintendent of Police, Aluva rural or a Senior officer not below the rank of Deputy Superintendent of Police, concerned to take over the charge of the investigation in Crime No.5/2007 on the file of Vadakkekara Police Station and to file a final report after further investigation as directed in Anx.II order.”

2. This Court as per order dated 24.7.2015 had earlier directed the District Police Chief, Ernakulam Rural to call for the entire Case Diary files in Crime No.5/07 of Vadakkekara Police Station and review the investigation process so far done meticulously and also to ensure that the further investigation in this crime be entrusted to an officer not below the rank of Inspector of Police who should supervised directly and closely by a superior officer not below the rank of Dy.SP. It has also ordered that the District Police Chief will give timely supervisory directions and guidance to the Inspector of Police and Dy.SP for effectively carrying

out the further investigation as directed in that order. In compliance with the directions issued on 24.7.2015, the Dy.SP, Aluva has filed a statement on behalf of the District Police Chief, Ernakulam Rural dated 18.8.2015, wherein inter alia it is stated in para 7 thereof reads as follows:

“7. It is respectfully submit that in compliance to the order in Crl.M.C No.4679/2015 dated 24.07.2015 of the Honourable Court, District Police Chief, Ernakulam Rural vide order No.D1(a)-41636/2015/E Dated: 12.08.2015 has ordered for further investigation in Crime No.05/2007 of Vadakkekkara Police Station and entrusted the investigation to Inspector of Police, Vadakkekkara under the personal supervision of Deputy Superintendent of Police, Aluva.”

3. Heard Dr. K.P.Satheesan, learned senior counsel instructed by Sri.Anoop.V.Nair, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent, State of Kerala.

4. On a perusal of the statement dated 18.8.2015 filed on behalf of the District Police Chief, it is seen that the directions issued by this Court in the order dated 24.7.2015 has been complied and the further investigation in the crime No.5/2007 of Vadakkekkara Police Station has already been entrusted by the District Police Chief to the Inspector of Police Vadakkekkara who is to conduct the investigation under the direct and personal

supervision of the Dy.SP Aluva. It is also pointed out in such statement that the further investigation has already been commenced by the Inspector of Police, Vadakkekara and that is on its initial stage under the personal supervision by the Dy.SP and that further investigation will be completed at the earliest. In the light of these averments in the statement dated 18.8.2015, it is also ordered in the interest of justice that the further investigation process should also be reviewed by the District Police Chief, Ernakulam Rural at least on a six weeks basis.

5. The Dy.SP is directed to give necessary supervisory directions and guidelines to the Inspector of Police at least on a fortnightly basis. It shall be ensured by the District Police Chief that the further investigation is conducted fairly and effectively and is conducted on the right and proper line and also to ensure that having regard to the fact that the crime was registered as early as in the year 2007, the further investigation should be completed without any further delay. At any rate, the further investigation should be completed within a time frame that may be fixed by the District Police Chief, Ernakulam Rural in the manner he deems fit and proper, but at the same time bearing in mind the crucial aspect

that the crime was registered as early as in the year 2007 and, early and proper finalization of the investigation is warranted not only to ensure that it is even handed frame to both to the accused as well as the de facto complainant but also to ensure that the investigation instil public confidence about its fairness and effectiveness.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE