

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Crl.MC.No. 5256 of 2015 ()

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CC.NO.01/2015 OF SPECIAL COURT, CBI, KAVARATTI
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PETITIONER/ACCUSED NO 2:

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HASHIM NAWAS, AGED 46 YEARS,
S/O.KASMI KOYA, RESIDING AT KUNDARI HOUSE,
KALPENI ISLAND, LAKSHADWEEP- 682 557**

BY ADV. SRI.P.G.JAYASHANKAR

RESPONDENT/STATE/COMPLAINANT:

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CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS INSPECTOR, ANTI CORRUPTION BUREAU,
KATHRIKADAVU, KOCHI -682 017**

BY SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-09-2015, ALONG WITH CRL.MC.NO. 5458/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 5256 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A:- CERTIFIED COPY OF THE FINAL REPORT IN CC NO.1/2015 ON THE
FILES OF THE SPECIAL JUDGE'S COURT, CBI, KAVARATTI**

ANNEX B:- TRUE COPY OF THE RELEVANT EXTRACTS OF THE CPWD MANUAL

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. Nos.5256 & 5458 of 2015
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Dated this the 30th day of September, 2015

O R D E R

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Petitioners are the accused in CC No.1/2015 of the Court of the Special Judge, CBI, Kavaratti. The final report has been filed in the matter by alleging offences punishable under Section 120B read with Section 420 IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2. According to the petitioners, on merits, the allegations against them are not legally sustainable in the case. It seems that presently, this Court cannot trace out any technical defect in the matter. This Court cannot go into the intrinsic particulars of the evidence collected by the CBI. It seems that detailed investigation was conducted. Even though the petitioner in Crl.M.C. No.5256/2015 has a case that he had nothing to do with the transaction in question

and he was discriminated, those questions cannot be considered by this Court at present as those questions are relating to the merits of the matter. Of course, at the stage of Section 239 Cr.P.C., the court below can consider those questions. The petitioners can file petitions before the court below at the stage of Section 239 Cr.P.C. so that the court below can consider the question at the stage of Section 239 (2) Cr.P.C.

With the said liberty to the petitioners and by leaving the opportunity to the petitioners to approach this Court or appropriate forums at the appropriate stages in case of any further grievance, these Crl.M.Cs. are closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/30/09

// True Copy //

PA to Judge