

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.MC.No. 5788 of 2015 ()

CRL.MP.NO. 408/2013 OF ENQUIRY COMMISSIONER & SPECIAL JUDGE, THRISSUR

PETITIONER/ACCUSED :

GIRIJAVALLABHAN
AGED 55 YEARS, S/O.NARAYANAN,
PRESENTLY WORKING AS S.I. OF POLICE
VIYYUR, CHILANKALIYATH HOUSE,
THANKALOOR DESOM, VILLAGE, THRISSUR TALUK
THRISSUR DISTRICT.
(FORMERLY WORKING AS THE STATION HOUSE OFFICER
ERUMAPETTY POLICE STATION, ERUMAPETTY
THRISSUR DISTRICT)

BY ADV. SRI.RAJIT

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. P.U.ABDUL KABEER,
AGED 38 YEARS, PALLIPURATH VALAPPIL VEEDU,
MANDAM PARAMBU, ERUMAPETTY P.O.,
THRISSUR-680 584.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

Crl.MC.No. 5788 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A :** TRUE COPY OF COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE VIGILANCE COMMISSIONER AND SPECIAL JUDGE, THRISSUR.
- ANNEXURE B :** TRUE COPY OF THE QUICK VERIFICATION REPORT DATED 31-12-2015 SUBMITTED BY THE DY.SP VIGILANCE AND ANTICORRUPTION BUREAU, THRISSUR.
- ANNEXURE C :** TRUE COPY OF THE ORDER BEARING NO.E8(QB 69/13/TSR) 31672/2013 DT 3-4-2014.
- ANNEXURE D :** TRUE COPY OF THE FINAL REPORT FILED BY THE DY.SP. VIGILANCE AND ANTICORRUPTION BUREAU THRISSUR FILED BEFORE THE COURT OF THE ENQUIRY COMMISSIONER & SEPCIAL JUDGE, THRISSUR.
- ANNEXURE E :** TRUE COPY OF THE ORDER DT 18-4-2015 IN CRL.M.P.NO.408/2013 OF THE COURT OF THE ENQUIRY COMMISSIONER & SPECIAL JUDGE, THRISSUR.
- ANNEXURE F :** TRUE COPY OF THE ORDER NO.A2/PR 50/2013/PSR DT. 12-3-2015 OF THE THRISSUR REGIONAL POLICE INSPECTOR GENERAL.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.5788 of 2015
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Dated this the 7th day of September, 2015

ORDER

The petitioner, who is the respondent in Crl.M.P. 408 of 2013 of the Court of Enquiry Commissioner and Special Judge, Thrissur, against whom Annexure E order has been issued by the court below directing registration of a case, has come up by challenging Annexure E order.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Annexure E order itself reveals that the same was passed by the court below by holding that the Quick Verification report filed by the Deputy Superintendent of Police, VACB, Thrissur reveals *prima facie* case against the petitioner.

4. The Quick Verification report reveals that the said officer has recommended departmental action against the petitioner herein, for repairing the departmental vehicle without the permission of the District Police Chief. That is the first recommendation in the report. There is another recommendation as item No.2, which involves sub items (a) to (e). All the said items in item No.2 are matters relating to the incidents in which the petitioner was attempted to be framed in other cases by other persons. Those items are not matters alleged against the petitioner.

5. The only allegation against the petitioner is that he has caused the repair of the departmental vehicle without the permission of the District Police Chief. As rightly pointed out by the learned counsel for the petitioner, without having the police jeep repaired, the petitioner could not have discharged his official duties properly and that was the reason why he had to get the police jeep repaired. Apart from that he has not done anything in the matter. Even

according to the department, the said act could only invite a departmental action and nothing more. Even the officer, who had conducted Quick Verification, has no case that the petitioner had made any undue enrichment by carrying out the repair of the police jeep. From all the above, it is evident that Annexure E order has been passed by the court below without having proper appreciation of the Quick Verification report and the allegations contained in it. Annexure E is devoid of merits, and is only to be quashed.

In the result, this Crl.M.C. is allowed and Annexure E order is hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge