

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 4861 of 2014

CRIME NO. 466/2014 OF ERUMAPETTY POLICE STATION, THRISSUR
.....

PETITIONER(S)/ACCUSED NO.1 TO 3:

- 1. FR.THOBIA CHALAYKKAL,
VICAR, ST.FRANCIS XAVIER'S FORANE CHURCH, ARNOS NAGAR,
VELOOR P.O., TRICHUR DISTRICT, PIN-680 601.**
- 2. YESUDAS, AGED 52 YEARS,
S/O. PHILIP, PALAYKKAL HOUSE, VELOOR P.O.,
TRICHUR DISTRICT-680 601.**
- 3. JUSTIN, AGED 40 YEARS,
S/O. JOSEPH, NEELAKAVIL HOUSE, VELOOR P.O.,
TRICHUR DISTRICT-680 601.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.466/2014), ERUMAPETTY POLICE STATION,
TRICHUR DISTRICT - 680 601.**

*** ADDITIONAL R3 IMPEADED**

- 3. JOMY JOSE, S/O.JOSE,
AGED 38 YEARS, OLAKKENKIL HOUSE,
VELOOR BAZAR, VELOOR P.O., THRISSUR DISTRICT.**

*** IS IMPEADED AS ADDITIONAL 3RD RESPONDENT AS PER ORDER
DTD.29.8.2014 IN CRL.MA.8241/2014 IN CRL.MC.4861/2014.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA
R3 BY ADV. SRI.DINESH MATHEW J.MURICKEN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
18-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE AI : TRUE COPY OF THE FIRST INFORMATION REPORT NO.466
DTD.3.5.2014 REGISTERED BY THE OFFICER IN CHARGE OF
ERUMAPETTY POLICE STATION.**

**ANNEXURE AII: TRUE COPY OF THE COMPLAINT MP NO.2634/2014 FILED BEFORE
THE JFCM COURT, VADAKKANCHERY.**

**ANNEXURE AIII: TRUE COPY OF THE COMMUNICATION NO.S.T.PM. NO.70/2010
DTD.25.3.2011 ISSUED BY THE DOCUMENTATION OFFICER,
ARCHAEOLOGICAL MUSEUM, DEPARTMENT OF ARCHAEOLOGICAL
DEPARTMENT, THIRUVANANTHAPURAM OBTAINED UNDER THE
RIGHT TO INFORMATION ACT.**

**ANNEXURE AIV: TRUE COPY OF THE COMMUNICATION NO.A2-4662/2007/DA
DTD.26.3.2011.**

**ANNEXURE AV: TRUE COPY OF THE ORDER NO.B1-3109/08/L.DIS DTD.2.8.2008
ISSUED BY THE DEO, CHAVAKKAD.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.4861 of 2014
.....

Dated this the 18th day of September, 2015

ORDER

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Petitioners are accused Nos.1 to 3 in Crime No.466/2014 of Erumapetty Police Station, Thrissur District. The allegation against the petitioners is that during the intervening night on 03.04.2014 and 04.04.2014, they, along with a group of people, destroyed the compound wall and some portions of the buildings of the premises known as “Arnos Paathiri smaragam”, which is a protected monument as per the Ancient Monuments and Archaeological Sites and Remains Act, 1968. The allegation is that they have committed an offence punishable under Section 30 of the said Act.

2. According to the petitioners, the constructions were made not by encroaching into any of the portions of the protected structure and, therefore, an offence will not

lie.

3. It is a matter that has to be verified through investigation. Let the investigation go on. There is nothing at present to stop the investigation of the matter. The investigating officer is directed to expedite the investigation and file the final report expeditiously.

With the said directions, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/09

// True Copy //

PA to Judge