

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.MC.No. 6083 of 2015 ()

CMP NO. 1529/2015 IN CC NO.1107/2011
OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, TIRUR, MALAPPURAM DISTRICT
CRIME NO. 143/2011 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/PETITIONER/COMPLAINANT :

JABERI SHUMSEER LULU,
AGED 31 YEARS, S/O.SAIDALEVI
KUNNATHUPARAMBIL HOUSE,
CHERIYAMUNDAM AMSOM
THALAKADATHUR - 676 103.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS/STATE & ACCUSED :

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM - 682 031.

2. P.T.FARIZ,
S/O. P.T. DAVOOD,
PALLIPPATTU THOOMBAN HOUSE,
CHERIYAMUNDAM AMSOM,
THALAKADATHUR P.O., TIRUR - 676 103.

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1- THE TRUE COPY OF THE STATEMENT GIVEN BY THE
PETITIONER ON 22.2.2011 IN C.C.NO.1107/2011 OF JFCM -I,
TIRUR.**
- ANNEXURE A2- THE TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.143/2011 OF THE TIRUR POLICE STATION.**
- ANNEXURE A3- THE TRUE COPY OF THE MEMORANDUM OF EVIDENCE IN
CRIME NO.143/2011 OF TIRUR POLICE STATION.**
- ANNEXURE A4- THE TRUE COPY OF FI STATEMENT ALLEGEDLY GIVEN BY THE
PETITIONER.**
- ANNEXURE A5- THE TRUE COPY OF THE FI STATEMENT ALLEGEDLY GIVEN BY
CW2 JANEESH.**
- ANNEXURE A6- THE TRUE COPY OF THE FI STATEMENT ALLEGEDLY GIVEN BY
CW3 SAIDALEVI.**
- ANNEXURE A7- CERTIFIED COPY OF THE CMP NO.1529/2015 IN
C.C.NO.1107/2011 DATED 4.8.2015 PASSED BY THE JFCM-1,
TIRUR.**
- ANNEXURE A8- CERTIFIED COPY OF THE ORDER IN CMP NO.1529/2015 IN
C.C.NO.1107/2011 DATED 4.8.2015 PASSED BY THE JFCM -1,
TIRUR.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.6083 of 2015
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Dated this the 8th day of October, 2015

ORDER

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Petitioner is the de facto complainant in CC No.1107/2011 of the Judicial First Class Magistrate's Court-I, Tirur for the offences punishable under Sections 341, 323, 324 and 506(i) IPC. The petitioner has got a genuine grievance that the investigating officer has distorted his statement as well as the statements of other occurrence witnesses to show that he was taken to the hospital from the scene of occurrence by the motor bike of one Jineesh. His specific version in the First Information Statement was that he was taken to the hospital by his father by an autorickshaw. His further grievance is that even though the father of the 2nd respondent had also participated in the incident, the investigating officer has not arraigned the father of the 2nd respondent also as one of the accused in

the case. Another grievance is that the investigating officer has made to appear that the petitioner and the father of the 2nd respondent are partners in a business.

2. On hearing the learned counsel for the petitioner and the learned Public Prosecutor, this Court is of the view that a further investigation in the matter is required. The court below shall stop the trial of the case for the time being. The Inspector of Police, Tirur shall conduct a further investigation in the matter under Section 173(8) Cr.P.C. and file a further final report, expeditiously.

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

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/10

// True Copy //

PA to Judge