

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 7080 of 2015

CC.NO.1736/12 OF JUDICIAL FIRST MAGISTRATE COURT, CHALAKUDY.
CRIME NO. 200/2012 OF CHALAKKUDY POLICE STATION, THRISSUR.

PETITIONER:

THARIYAN, S/O.VADASSERY OUSEPH,
EAST CHALAKUDY DESOM,
EAST CHALAKUDY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ

RESPONDENT:

SUB INSPECTOR OF POLICE,
CHALAKUDY POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682 031.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-A1.** TRUE COPY OF THE FIR IN CRIME NO.200/2012 OF CHALAKUDY POLICE STATION.
- ANNEXURE-A2.** TRUE COPY OF THE FINAL REPORT IN CRIME NO.2002/12 OF CHALAKUDY POLICE STATION.
- ANNEXURE-A3.** TRUE COPY OF SCHEN MAHAZAER PREPARED IN CRIME NO.200/12 OF CHALAKUDY POLICE STATION.
- ANNEXURE-A4.** TRUE COPY OF THE ORDER DATED 26/2/2015 IN WPC NO.32396/2014.
- ANNEXURE-A5.** TRUE COPY OF THE ORDER DATED 12/8/2015 IN CMP NO.7179/2015 IN CC 1736/2012 OF THE JMCG, CHALAKUDY.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.7080 of 2015 A
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Dated this the 17th day of November, 2015

ORDER

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Petitioner is the de facto complainant in Crime No.200/2012 of Chalakudy Police Station for the offences punishable under Sections 447, 427 and 435 read with Section 34 IPC. The investigation is over and a final report was filed and presently, the matter is pending before the Judicial First Class Magistrate's Court, Chalakudy as C.C. No.1736/2012.

2. According to the petitioner, three lorries, which were totally burnt, belong to his brother, who is a practising lawyer. Over and above the lorries, the shed in which the lorries were kept and a portion of the residential house of the de facto complainant were also burnt. It seems that

even then the offence under Section 436 IPC has not been incorporated.

3. The de facto complainant was running from pillar to post to get the matter properly investigated. The police took the view that no such further investigation is required in the matter. Finally, the petitioner had approached this Court through W.P.(C) No.32396/2014. As final report was then filed in the matter, this Court had directed the petitioner to approach the court below to seek a further investigation under Section 173(8) Cr.P.C. The petitioner has approached the court below with such a request. The same was turned down by the court below through Annexure-5 order.

4. On going through the matter and hearing the learned counsel for the petitioner, this Court is satisfied that this is a fit case wherein a further investigation by a competent police officer has to be ordered. It seems that the investigation as such was shabby. The Deputy Superintendent of Police, Chalakudy shall take over a

further investigation in the matter and conduct such a further investigation at the supervision of the District Police Chief, Thrissur. On such further investigation, a further final report shall be filed before the court below. Till then, the proceedings before the court below shall stand stayed.

With the said directions, this Crl.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/17/11

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PA to Judge