

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 6415 of 2014 ()

CRIME NO. 439/2013 OF KAMBAMPETTU POLICE STATION, IDUKKI DISTRICT.

.....

PETITIONER/ACCUSED:

**ALAN, AGED 29 YEARS,
S/O. PUSHPANGADAN, VALLATH HOUSE,
KARUNAPURAM VILLAGE, KOOTTAR P.O.,
IDUKKI DISTRICT.**

**BY SRI.P.VIJAYA BHANU, SENIOR ADVOCATE.
ADVS. SRI.M.REVIKRISHNAN,
SRI.VIPIN NARAYAN.**

RESPONDENT/RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.N. SURESH.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|-------------------|---|
| ANNEXURE A | COPY OF THE CERTIFICATE ISSUED BY THE ROYAL OMAN'S POLICE, SULTANATE OF OMAN EVIDENCING THE PEND ENCY OF THE COMPLAINT BEFORE IT. |
| ANNEXURE B | COPY OF THE FIR IN CRIME NO.439/2013 OF KAMPAMMPETTU POLICE STATION, IDUKKI DISTRICT. |
| ANNEXURE C | COPY OF THE RESIDENT CARD ISSUED TO THE PETITIONER SPECIFYING HIS EMPLOYMENT. |
| ANNEXURE D | COPY OF THE ORDER GRANTING BAIL TO THE PETITIONER IN THE CRIME DATED 11/10/2013 IN BA NO.6623/2013. |
| ANNEXURE E | COPY OF THE ACCOUNT PARTICULARS PERTAINING TO THE PETITIONER DURING THE RELEVANT TIME. |
| ANNEXURE F | COPY OF THE MAGAZINE REPORT PERTAINING TO THE SUBJECT MATTER OF THE CASE PUBLISHED IN A MAGAZINE NAMELY 'SNEHAPRAVASI' ISSUED NO.1, VITH VOLUME/ JANUARY, 2014 NARRATING THE TRUE VERSION OF THE INCIDENT. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Dated this the 14th day of July, 2015.

ORDER

The prayer in this Crl.M.C is as follows:

“.....to allow this Criminal Miscellaneous Case, and quash Annexure B F.I.R and all further proceedings pursuant thereto in Crime No.439/2013 of Kambampettu Police Station, Idukki District against the petitioner/accused, so as to secure the ends of justice.”

2. When the matter was taken up for consideration earlier, the learned senior counsel appearing for the petitioner submitted that the petitioner would, for the present purpose, confine his prayer for a limited order from this Court directing the investigating agency to conclude the investigation in a time bound manner without any further delay.

3. Pursuant to this Court's order dated 16.6.2014, whereby the Superintendent of Police, Idukki was directed to conduct evaluation and review of the entire CD file of the investigation and also file a statement as to the reasonable time frame required for completion of the investigation in Anx-B Crime No.439/2013 of Cumbummettu Police Station, Idukki District, the Deputy Superintendent of Police, Kattappana

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has filed a statement dated 4.7.2015 on behalf of the the District Police Chief, Idukki and the last paragraph of the said statement (see page 5 of the said statement) reads as follows:

“As per the direction of the Hon'ble High court in Crl M.C 6415/14 the District Police Chief perused the CD file in Cr.439/2013 of Cumbummettu Police Station and directed the Inspector of Police Nedumkandam, investigating officer in Cr.439/13 of Cumbummettu PS to follow up the application submitted before the Judicial First Class Court Nedumkandam u/s 166(A) of Cr PC and to complete the investigation within six months.

Hence it is requested to the Hon'ble High Court of Kerala to grant six months to complete the investigation of this case.”

4. Heard both sides.

5. Learned senior counsel for the petitioner, instructed by the learned counsel for the petitioner, submits that this Court may pass necessary directions recording the aforesaid submissions made by the investigating agency and also issue necessary direction to ensure that investigation is completed within the aforesaid time limit. The learned counsel for the petitioner also submits that liberty may be reserved to the petitioner to challenge the final report/charge sheet in the appropriate proceedings depending upon the outcome of the investigation. The learned Public Prosecutor has no objection the cause of action.

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6. Accordingly, the aforestated submissions made in the last paragraph of the statement dated 4.7.2015 is recorded and it is further ordered in the interest of justice that the investigating agency shall ensure that the investigation in relation to Cr.No.439/13 of Cumbummettu Police Station is completed without any further delay, as early as possible, at any rate, within a period of six months from the date of receipt of a certified copy of this order.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-