

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937**

**Crl.MC.No. 7277 of 2014 (G)**

**SC 41/2011 of SUB COURT, NEDUMANGAD**

**PETITIONER/ACCUSED :-**  
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**SUSAN MATHEW, AGED 39 YEARS,  
W/O. DR. ANIL K.THARIAN,  
HAVING RESIDING AT P.I. BUNGLOW, T.V.JUNCTION,  
KOTTARAKKARA, KOLLAM.**

**BY ADVS.SRI.NAGARAJ NARAYANAN  
SRI.SAIJO HASSAN  
SRI.BENOJ C AUGUSTIN  
SRI.VISHNU BHUVANENDRAN**

**RESPONDENTS/STATE :-**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIMES),  
CRIME BRANCH CID HEADQUARTERS, THIRUVANANTHAPURAM.**
- 3. THE SUPERINTENDENT OF POLICE,  
OFFICE OF THE SUPERINTENDENT OF POLICE,  
CRIME BRANCH CID, HHW1, JAWAHAR NAGAR,  
THIRUVANANTHAPURAM.**
- 4. THE DETECTIVE INSPECTOR,  
CBCID, HHW1, JAWAHAR NAGAR,  
THIRUVANANTHAPURAM.**

**\* ADDL. 5 IMPEADED**

**ADDL.5. SANJITH, AGED 57, S/O.SADASIVAN,  
"SUKRUTHAM", CRA 51, GOWREESAPATTAM,  
PATTOM WARD, THIRUVANANTHAPURAM - 695 004.**

**IMPEADED AS PER ORDER DATED 22/1/15 IN CRL.M.A.393/15 IN CRL.M.C.7277/14.**

**R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**Crl.MC.No. 7277 of 2014 (G)**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A1: TRUE COPY OF THE FINAL REPORT SUBMITTED ON 27.8.2010  
BEFORE THE LEARNED MAGISTRATE IN THE CRIME.**

**ANNEXURE A2: TRUE COPY OF PETITION DATED 19.11.2014 SUBMITTED BY  
MR.SANJITH BEFORE ADGP CRIMES.**

**ANNEXURE A3: TRUE COPY OF LETTER DATED 24.11.2014 OF THE ADGP (CRIMES)  
DIRECTING THE SUPERINTENDENT OF POLICE, CBCID.**

**ANNEXURE A4: TRUE COPY OF LETTER DATED NOVEMBER 2014 (WITHOUT EXACT  
DAY) OF THE SUPERINTENDENT OF POLICE, CBCID, HHW1/TVM TO  
THE INVESTIGATING OFFICER.**

**ANNEXURE A5: CERTIFIED COPY OF REPORT DATED 25.11.2014 SUBMITTED BY THE  
INVESTIGATING OFFICER INFORMING FURTHER INVESTIGATION.**

**ANNEXURE A6: CERTIFIED COPY OF PROCEEDINGS IN SC 41/2011.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.7277 of 2014**  
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Dated this the 21<sup>st</sup> day of November, 2015

**ORDER**

The petitioner herein is the sole accused in S.C.No.41 of 2011 before the learned Assistant Sessions Judge, Nedumangad. Pending the proceedings the Investigating Officer submitted a report intimating about further investigation in the crime, and making a request to stop the trial. The learned trial Judge acted on the said report, and accordingly stopped the trial by a procedural order dated 04.12.2014. The said order is under challenge in this proceeding brought under Section 482 Cr.P.C.

2. On hearing the both sides, and on a perusal of the materials, I find that this is not the right remedy which the petitioner will have to pursue. If a further investigation is going on, the petitioner will have to challenge the investigation, if he is aggrieved. As per Annexure-A6 order

which is under challenge, the learned trial Judge has only passed a procedural order stopping the trial in view of the further investigation that is going on. Such an order cannot be challenged under Section 482 Cr.P.C. When the progress of further investigation is reported to Court, it is quite appropriate that the trial is stopped pending such investigation, because, if the trial proceeds and reaches a stage finalising the trial, and if by the time a report under Section 173(8) comes, it will create problems. Instead of challenging the further investigation itself going on under Section 173(8) Cr.P.C, the petitioner has only challenged the procedural order of the learned trial Judge stopping the trial in view of such investigation. So, the request cannot be allowed. Without prejudice to the right of the petitioner to challenge the investigation itself, this CrI.M.C. is liable to be closed. Accordingly, this CrI.M.C. is closed.

rkj

Sd/-  
**P.UBAID**  
**JUDGE**

//TRUE COPY//

P.A. TO JUDGE