

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Crl.Rev.Pet.No. 3672 of 2009 ()

AGAINST THE ORDER IN CRMP 87/2009 of J.M.F.C., ADOOR DATED
27-04-2009

REVISION PETITIONER(S)/REVISION PETITIONER/COMPLAINANT:

MAHESH @ VINOD, S/O. CHANDRASEKHARA KURUP
VADAKKENALUTHUNDIL VEEDU, THONNALLOOR MURI,
PANDALAM VILLAGE, ADOOR TALUK.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT(S)/STATE:

STATE OF KERALA
SUB INSPECTOR OF POLICE, PANDALAM POLICE STATION
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.R. GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Crl.R.P. No. 3672 of 2009
.....

Dated this the 14th day of October, 2015

ORDER

The revision petitioner was the de facto complainant in Crime No. 382 of 2007 of Pandalam Police Station registered under Sections 279, 337 and 338 of IPC and Section 134 (a) and (b) of Motor Vehicles Act.

2. The allegation of the prosecution is that on 17-6-2007 at about 6.30 p.m., the revision petitioner drove the vehicle bearing registration No. KL-30/3337 along M.C. Road from South to North in a rash and negligent manner so as to endanger human life and when it reached in front of Fancy Textiles, Kulanada, it hit against the motor cycle bearing Reg. No. KL-3/J 9205 driven by the complainant and consequently, the complainant was thrown to the road and he sustained injuries.

3. On the basis of the first information statement given by the defacto complainant, the above crime was registered. After investigation, the Investigating Officer filed a final report referring the matter. Thereafter, the revision petitioner filed fresh complaint, namely, Crl.M.P. No. 87/2009 praying for further

investigation under Section 173 (8) Cr.P.C. The court below recorded the sworn statement of the complainant and a witness and thereafter passed the order impugned dismissing CMP No. 87 of 2009. Aggrieved by the said order of dismissal, the petitioner in CMP No. 87 of 2009 filed this revision petition.

4. Heard the learned counsel for the revision petitioner and the learned Public Prosecutor and perused the records.

5. The final report filed by the Sub Inspector of Police, Pandalam referring the case would show that the owner of the vehicle bearing Reg. No. KL-30/3337 is Ashok Kumar, S/o. Vasudevan, Ashok Bhavan, Venmani. The investigation revealed that the said Ashok Kumar went to Coimbatore on 14-6-2007 for the purpose of pooja and he came back only on 19-6-2007. The investigation further revealed that the above said Ashok Kumar alone used to drive the aforesaid Vehicle. The investigation further revealed that the said vehicle was kept locked in the car porch of the house of the said Ashok Kumar from 14-6-2007 to 19-6-2007. Thereafter, he came back from Coimbatore. On 22-6-2007, he drove the vehicle and at that time, it hit against an ambassador car bearing Reg. No. KL-03/9119 at a place near Aranmula, Kozhipalam. The said matter was settled with the

owner of the ambassador car. The investigation would further reveal that the revision petitioner came to the conclusion on seeing the dent on Vehicle No. KL-30/3337 that the said car was the car which hit against the motor cycle driven by the revision petitioner on 17-6-2007. The revision petitioner had given the F.I. Statement before the police only on 1-7-2007 eventhough the incident was on 17-6-2007. The report would further show that the number of the vehicle which actually hit against the motor cycle of the revision petitioner could not be traced out and it was only for the said reason that the police filed the refer report before the Court. The name and address of the driver of the offending vehicle were neither mentioned in CMP No. 87 of 2009 nor mentioned in the statement of the complainant and the witness. In the said circumstances, the court below had no option but to dismiss the complaint. Accordingly, the Court below dismissed CMP No. 87 of 2009.

7. The learned Public Prosecutor has submitted that as and when information is received with regard to the details of the vehicle involved in the accident on 17-6-2007, the case will be re-opened as the case had been referred only as 'undetected'. Having gone through the relevant inputs, I am satisfied that the order dismissing Crl.M.P. No. 87 of 2009 does not warrant any

interference by this Court.

In the result, this Revision Petition stands dismissed. I make it clear that this order will not take away the rights, if any, of the petitioner resorting to remedies, if any, available to him under law.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

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P.S. ToJudge