

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1430 of 2015 ()

AGAINST THE ORDERIN CC 16/2008 of J.M.F.C.-III, KOZHIKODE
DATED 06-10-2015

REVISION PETITIONER(S):

SIVARAMAN THANDASSERY, S/O. KRISHNAN,
AGED 72 YEARS, RESIDING AT "JANAKEYAM"
POOVATTUPARAMBA, KOZHIKODE - 673 008

BY ADVS.SRI.R.RAMADAS
SRI.T.SIVADASAN

RESPONDENT(S):

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1. THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(SUB INSPECTOR OF POLICE, KAKKUR POLICE STATION, KAKKUR CRIME NO. 45/07)
 2. M.K.SASIDHARAN NAIR, S/O. VELAPPAN NAIR, AGED 66 YEARS, VENGADANKANDIYIL, KUTTIKATTUR, KOZHIKODE , PIN - 673 008
 3. ASSANKUTTY, S/O. PAREYI, AGED 65 YEARS, KANNANNURKIZHAKKEYIL, KAKKUR AMSOM, RAMALLUR PIN - 673 619
 4. C.P.KUMARAN, S/O. C.P.KUTTY, AGED 66 YEARS, KATTUKANDY PARAMBU, KAMMATH LANE, KOZHIKODE, PIN - 673 001
 5. RADHAKRISHNAN, S/O. RAMAN NAIR, AGED 61 YEARS, AREKKARA VEEDU, PAZHOO DESOM, PULAKKODE AMSOM, CHATHAMANGALAM , PIN - 673 001

BY PUBLIC PROSECUTOR SRI. R. GITHESH FOR R1

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 09-11-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

B. SUDHEENDRA KUMAR, J.

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Dated this the 9th day of November, 2015

ORDER

The revision petitioner is the 3rd accused in CC 16/2008 on the files of the Court of the Judicial Magistrate of First Class-III, Kozhikode. The offences alleged are the offences under Sections 465, 468, 471 and 474 read with Sec. 34 IPC.

2. In this case, when the case was posted for defence evidence, the Station House Officer, of Kakkur Polcie Station filed an application on 5-2-2014 before the court below praying for granting permission for further investigation. The said application was allowed by the court below on 11-2-2014. Accordingly, further investigation was conducted and thereafter, crime No. 6 of 2015 was registered by the Vigilance incorporating the offence under Secs. 13 (1) (d) read with Section 13 (2) of P.C. Act along with the original offences. Thereafter, the Vigilance filed a report before the court below praying for transmitting the entire case records to the Vigilance Court. The Court below ordered to transmit the records to the court of the Enquiry Commissioner and Special Judge (Vigilance). Aggrieved by the said order, this Revision Petition has been filed.

3. Heard both sides.

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4. It is not disputed that the provisions of Section 173 (8) of Cr.PC can be invoked at any time before pronouncing the judgment. In the course of further investigation, it was revealed that the offence under the P.C. Act was also committed. Therefore, the Vigilance registered the crime. The investigation is going on. Since the Vigilance registered the crime, the records have to be naturally transmitted to the Vigilance Court for further proceedings. In the said circumstances, the court below ordered to transmit the records to the Court of the Enquiry Commissioner and Special Judge (Vigilance), Kozhikode. Having gone through the order impugned, I do not find any infirmity in the order impugned warranting interference by this Court.

In the result, this revision petition stands dismissed. I make it clear that the Vigilance shall conduct the investigation and file the final report as expeditiously as possible.

Dated this the 9th day of November, 2015.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

ani/ 11/11/ 2015

/true copy/

P.S. To Judge