

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

OP(Crl.).No. 236 of 2015 (Q)

CMP 7322/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA

PETITIONER(S):

- 1. M.J.KURIAN, AGED 58 YEARS,
S/O.LATE N.K.JOSEPH, MANAYANICKAL HOUSE, PERUNNA,
CHANGANACHERRY, PIN 6865102.**
- 2. MILLY KURIAN, AGED 28 YEARS,
S/O.M.J.KURYAN, MANAYANICKAL HOUSE, PERUNNA,
CHANGANACHERRY, PIN 686512.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S):

- 1. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM,
REP.BY THE STATE PROSECUTOR, HIGH COURT OF KERALA.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
THODUPUZHA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
THODUPUZHA POLICE STATION, THODUPUZHA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 4. THE SUB INSPECTOR OF POLICE,
THODUPUZHA POLICE STATION, THODUPUZHA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 5. MOHANAN PILLAI,
S/O.NARAYANAN PILLAI, PURATHEKONDATTU HOUSE,
KEERIKODE KARA, THODUPUZHA EAST P.O., KARIKODE VILLAGE,
THODUPUZHA TALUK.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.GITHESH R.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(Crl.).No. 236 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE TRUE COPY OF THE C.M.P.NO.7322 OF 2013.

EXHIBIT-P2: THE TRUE COPY OF THE DEPOSITION OF THE CW1.

EXHIBIT-P3: THE TRUE COPY OF THE DEPOSITION OF THE CW2.

EXHIBIT-P4: THE TRUE COPY OF THE FIR IN CRIME NO.1386 OF 2013
DATED 29.6.2013.

EXHIBIT-P5: THE TRUE COPY OF THE FINAL REPORT DATED 13.11.2013.

EXHIBIT-P6: THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT.

EXHIBIT-P7: THE TRUE COPY OF THE COMPLAINT DATED 22.07.2015, SUBMITTED TO
THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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O.P (Crl.) No.236 of 2015

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Dated this the 13th day of August, 2015

J U D G M E N T

The prayers in this O.P(Crl.) are as follows:

- i. To issue a direction, directing the 1st respondent to act upon in Exhibit P7 complaint, to entrust the investigation to a competent police officer, to conduct an independent, impartial and effective investigation within a time limit as fixed by this Hon'ble Court.
- ii. To issue such other Orders or Directions deem fit on facts and in the interest of justice."

2. Sri. K.R.Sunil, learned counsel for the petitioner submits that the only limited prayer that the petitioner would now canvas is for a direction from this Court that Ext.P7 representation now pending before the first respondent shall be considered by him and necessary orders passed thereon within a reasonable time frame fixed by this Court.

3. Heard Sri.K.R.Sunil, the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent, State of Kerala.

4. In view of the limited prayer sought by the petitioner, it is ordered in the interest of justice, that in case Ext.P7 is still

pending consideration, then the first respondent shall take up the same for consideration without any further delay and pass necessary orders thereon and communicate the same to the petitioner. This shall be done within a period of three weeks from the date of production of the certified copy of this judgment.

With these observations and directions, the O.P(Crl.) stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE