

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

OP(Crl.).No. 285 of 2015 (Q)

**CC. NO.93/2012 OF CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM.
CRIME NO.406/2007 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM.**
.....

PETITIONER:

**THE KERALA TRANSPORT DEVELOPMENT
FINANCE CORPORATION LIMITED,
(GOVERNMENT OF KERALA UNDERTAKING),
HAVING REGISTERED OFFICE AT LEVEL 8 (6TH FLOOR),
TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014,
REPRESENTED BY ITS MANAGING DIRECTOR,
DR.USHA DEVI BALAKRISHNAN.**

BY ADV. SRI.K.R.SUNIL.

RESPONDENTS:

- 1. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.**
- 2. THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM CITY.**
- 3. THE ASSISTANT COMMISSIONER OF POLICE,
CANTONMENT, THIRUVANANTHAPURAM CITY.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
MUSEUM POLICE STATION, MUSEUM,
THIRUVANANTHAPURAM DISTRICT-695 033.**
- 5. THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION, MUSEUM,
THIRUVANANTHAPURAM DISTRICT-695 033.**

BY PUBLIC PROSECUTOR SMT.P. MAYA.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

OP(Crl.).No. 285 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 THE COPY OF FIR IN CRIME NO.406 OF 2007 ALONG WITH THE DETAILS OF THE COMPLAINT SUBMITTED BY THE PETITIONER.**
- P2 THE COPY OF THE FINAL REPORT DATED 10.05.2012 IN CRIME NO.406/2007.**
- P3 THE COPY OF THE COMPLAINANT DATED 01.09.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(Crl) No. 285 of 2015

.....
Dated this the 15th day of December, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. It seems that the matter is not being properly investigated. The learned counsel for the petitioner has pointed out that even though the investigating officer was aware of the fact that forged documents were produced by 17 persons for obtaining loan, and loan amounts were obtained, unnecessarily the investigating officer has dropped those 17 persons from the array of the accused and a report has been filed to that effect. The aforesaid action from the part of the investigating officer is not at all satisfactory. The same is *mala fide*. The matter has to be

thoroughly investigated.

3. In this context, the request forwarded by the petitioner for a further investigation under Section 173(8) Cr.P.C. can only be entertained. Therefore, such a further investigation has to be taken up by the Inspector of Police, Museum Police Station, Thiruvananthapuram. He shall consider the aforesaid aspects and conduct a fruitful investigation under the strict supervision of the concerned Dy.S.P., and file a further final report in the matter expeditiously. Till then, all the proceedings in C.C.No.93/2012 of the Chief Judicial Magistrate's Court, Thiruvananthapuram shall stand stayed.

With the above directions, this Original Petition is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge