

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WA.No. 807 of 2015 () IN WP(C).3151/2014

AGAINST THE ORDER IN WP(C) 3151/2014 of HIGH COURT OF KERALA
DATED 12.3.2015

APPELLANT(S) :-

SAJID, AGED 28 YEARS, S/O.KUNHABDHULLA,
OTHAYOTH HOUSE, CHINGAPURAM P.O., THIKKODI,
PAYYOLI, KOYILANDY, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S) :-

1. THE DEPUTY SUPERINTENDENT OF POLICE, (C.B.C.I.D),
KOZHIKODE - 673 001.
2. STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.

(RESPONDENTS 1 AND 2 REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.)

3. THE CENTRAL BUREAU OF INVESTIGATION, COCHIN UNIT,
REPRESENTED BY THE SUPERINTENDENT OF CENTRAL BUREAU OF
INVESTIGATION, OFFICE OF THE CENTRAL BUREAU OF INVESTIGATION,
COCHIN UNIT, KADAVANTHRA, ERNAKULAM - 682 020.
4. THE CENTRAL BUREAU OF INVESTIGATION, NEW DELHI - 110 011,
REPRESENTED BY ITS DIRECTOR.

(RESPONDENTS 3 AND 4 REPRESENTED BY THE STANDING COUNSEL FOR THE
C.B.I., HIGH COURT OF KERALA, ERNAKULAM - 682 031.)

5. PUSHPA, W/O.MANOJ (LATE), CHONYANCHAL THARAMEL HOUSE,
AYANNIKKAD, PAYYOLI, KOYILANDY, KOZHIKODE DISTRICT - 673 001.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
R5 BY SRI.B.RAMAN PILLAI (SR.)

SRI.R.ANIL

R3 & R4 BY SRI.P.CHANDRASEKHARA PILLAI, SC, C.B.I.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.807 of 2015

Dated this the 8th day of April 2015

J U D G M E N T

Ashok Bhushan, C.J

Heard the learned counsel for the appellant as well as the learned Government Pleader.

2. This writ appeal has been filed against the order dated 12.3.2015 in W.P.(C) No.3151 of 2014. The petitioner was filed the writ petition seeking a direction to the 2nd respondent, State of Kerala to entrust the investigation of Crime No.84 of 2012 of Payyoli Police Station with the Central Bureau of Investigation (CBI). In the writ petition, the learned Single Judge passed an order on 12.3.2015, which is to the following effect :-

"It is submitted that further investigation as ordered in the case is still going on, and that the investigating officer will take some more time to submit final report. The learned counsel for the writ petitioner submits that the investigating officer may submit final report wrongly, or without examining the materials and details properly. This Court cannot direct the investigating officer, at this stage, to do investigation, or to prepare the final report in a particular manner. He will have to complete the investigation and submit final report. Once the final report

-: 2 :-

is filed, this Court will examine the final report, and if any course of action is required, appropriate orders will be passed. Let the investigation now proceed.

Post the Writ Petition (C) after summer vacation.”

3. Learned counsel for the appellant submits that the appellant has a severe apprehension that the same final report arraying the same accused shall be submitted and hence, the court has to examine as to whether the investigation is to be entrusted to the CBI. He further submits that there is no hurry in submitting the final report by the police.

4. We have considered the submissions made by the parties and perused the records.

5. The order which is impugned in the writ appeal is only an interim order, by which, the learned Single Judge had directed the petition to be posted after summer vacation and further observed that once the final report is filed, this Court shall examine the final report and appropriate orders will be passed. The learned Single Judge has not made any final opinion with regard to prayers made in the writ petition. As observed by the learned Single Judge, the final report, if filed shall be examined by the court and if any course of action is required, appropriate orders will be passed.

-: 3 :-

In the above view of the matter, we see no reason to entertain the writ appeal. Hence, we close the writ appeal subject to the order passed in the writ petition.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//True copy//

P.A. To Judge

Jvt