

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WA.No. 1886 of 2015 ()

AGAINST THE JUDGMENT IN WP(C).NO.31411/2014 DATED 25/02/2015.
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APPELLANT/PETITIONER:

**BIJU KURIAKOSE, S/O.O.C. KURIAKOSE,
AGED 46 YEARS, UMMANCHERIL HOUSE,
KURICHY. P.O., CHANGANACHERRY.**

BY ADV. SRI.VIJAI MATHEWS.

RESPONDENTS/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HOME DEPARTMENT, THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR,
CENTRAL BUREAU OF INVESTIGATION, NEW DELHI-110 001.**
- 3. SUPERINTENDENT OF POLICE,
CBI, THIRUVANANTHAPURAM-695 001.**
- 4. DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM-695 001.**
- 5. SUPERINTENDENT OF POLICE, KOTTAYAM-686 001.**
- 6. DEPUTY SUPERINTENDENT OF POLICE,
KOTTAYAM-686 001.**

**R1 & R4 TO R6 BY SR. GOVT. PLEADER SRI.T.P. SAJJID.
R2 & R3 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, SC, C.B.I.**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

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W.A.No.1886 of 2015

Dated this the 8th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ

This writ appeal has been filed against the judgment dated 25/02/2015 in W.P.C.No.31411 of 2014. Petitioner had filed the writ petition praying for a direction to respondents 2 and 3 to entrust the investigation in crime No. 213/2006 to an efficient officer of Central Bureau of Investigation. Crime No.213/2006 was registered under Sections 341, 323, 324 and 326 read with Section 34 of Indian Penal Code. There has been investigation of Crime on three occasions at different level and under the orders of this Court, Deputy Superintendent of Police had submitted final report, after further investigation. Petitioner's application before the learned Magistrate to direct for further investigation was turned down. The learned Single Judge dismissed the writ petition noticing the aforesaid fact. The learned counsel for the petitioner submits that the learned Single Judge had committed error in rejecting the writ petition whereas the present was a fit case

where direction ought to have been issued for conducting investigation by the Central Bureau of Investigation.

2. We have considered the submission of the parties and perused the records.

3. The learned Single Judge, himself, has noticed that investigation was conducted on three occasions at different level and the request for investigation at 4th time was turned down by the learned Magistrate. Final report had already been submitted after due investigation. Merely because the investigation is not to the liking of the petitioner, he cannot approach this Court for a direction to the CBI to conduct investigation. Present is not a case where any direction, as prayed for, could be issued by this Court by exercising jurisdiction under Article 226 of the Constitution of India. There being no merit in the writ appeal, the same is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

