

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 190 of 2015 (W)

PETITIONER(S):

1. **ANTONY JOSEPH, AGED 84,
S/O. LATE O.K.JOSEPH, (RETIRED B.S.F INSPECTOR),
OVELIL HOUSE, NEAR N.E.S BLOCK, MADAPPALLY,
CHANGANACHERRY, KOTTAYAM DISTRICT.**
2. **THRESIAMMA ANTONY, AGED 80,
W/O. ANTONY JOSEPH, (RETIRED MILITARY NURSE),
OVELIL HOUSE, NEAR N.E.S BLOCK, MADAPPALLY,
CHANGANACHERRY, KOTTAYAM DISTRICT.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S):

1. **THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME,
STATE SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.**
3. **THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS DIRECTOR,
CENTRAL BUREAU OF INVESTIGATION, PLOT NO. 5B,
CGO COMPLEX, LODHI ROAD, NEW DELHI - 110 003.**
4. **THE INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, KOTHAMANGALAM,
ERNAKULAM.**
5. **SANJU GEORGE, S/O.GEORGE VARGHESE,
VADAKKEMURIYIL, MARTHOMA CHURCH ROAD,
PALA, KOTTAYAM DISTRICT.**

**R1-R2 & R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R3 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.
R5 BY ADVS. SRI.MATHEW JOHN
SRI.DOMSON J.VATTAKUZH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 190 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - COPY OF THE FIR IN CRIME NO. 398/12 OF KOTHAMANGALAM POLICE STATION
DT. 14.6.12.**
- P2 - COPY OF THE POST MORTEM REPORT IN CRIME 98/12 OF KOTHAMANGALAM
POLICE STATION.**
- P3 - COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE
THE CHIEF MINISTER OF KERALA DT. 26.6.12.**
- P4 - COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE
THE HOME MINISTER, STATE OF KERALA DT. 26.6.12.**
- P5 - COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE
THE DIRECTOR GENERAL OF POLICE, DT. 26.6.12.**
- P6 - COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE
THE DEFENCE MINISTER, UNION OF INDIA DT. 04.3.14.**
- P7 - COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE
THE INSPECTOR GENERAL, POLICE HEADQUARTERS DT. 07.3.14.**
- P8 - COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE
THE INVESTIGATING OFFICER IN CRIME NO. 398 OF KOTHAMANGALAM POLICE
STATION DT. 12.9.13.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

=====

W.P.(C).No.190 of 2015

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Dated this the 5th day of October, 2015

J U D G M E N T

It seems that the investigating officers have made a genuine effort to investigate the matter. The investigation has proved that it is a case of motor accident. The person, who was the rider of the motorbike was subjected to polygraph test. In that test also, it has come out that the incident is nothing but a motor accident. Matters being so, there is absolutely nothing to find fault with the investigation conducted by the investigating officers in the matter.

This Writ Petition (Civil) is therefore closed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/5/10/15

// True Copy //

P.A. To Judge