

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 906 of 2015 (K)

PETITIONER(S):

**VISAL MURALI, AGED 21 YEARS,
S/O.MURALEEDHARAN PILLAI, ALANCHERIL PUTHEN VEEDU,
MALOOR P.O, PATHANAPURAM, KOLLAM DISTRICT.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION - 686 001.**
- 2. MR.ANANDAN, ASI OF POLICE,
KOLLAM EAST POLICE STATION -686 001.**
- 3. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695001.**
- 4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY OF HOME AFFAIRS
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF EKRALA,
ERNAKULAM-682031.**
- 5. R.ARUN KUMAR, EX. SECRETARY,
QUILON DISTRICT CRICKET ASSOCIATION, 'DEW'
BABUJI NAGAR, ASRAMOM, KOLLAM-686001.**
- 6. S.REGHUKUMAR,
PRESIDENT QUILON DISTRICT CRICKET ASSOCIATION 'DEW'
BABUJI NAGAR, ASRAMOM, KOLLAM-686001.**
- 7. M.R. UNNIKRISHNAN,
TREASURER, QUILON DISTRICT CRICKET ASSOCIATION 'DEW'
BABUJI NAGAR, ASRAMOM, KOLLAM-686001.**

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8. G.SAJIKUMAR,
IN CHARGE, DISTRICT CRICKET ACADEMY
KOTTARKKARA & SECRETARY
QUILON DISTRICT CRICKET ASSOCIATION, 'DEW'
BABUJI NAGAR, ASRAMOM, KOLLAM-686001.
9. R.SASIDHARAN, CHARTERED ACCOUNTANT,
KOLLAM,NO XXV/1094, GOURISANKARAM TENRA 151
THEVALLY, KOLLAM-686001.

R1,R3 & 4 BY STATE ATTORNEY SRI.P. VIJAYARAGHAVAN
R8 BY ADVS. SRI.K.N.ABHILASH
SRI.SUNIL NAIR PALAKKAT
R9 BY ADVS. DR.S.GOPAKUMARAN NAIR (SR.)
SRI.P.CHANDRASEKHAR
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SMT.P.M.MAZNA MANSOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 A TRUE COPY OF THE COMPLAINT IN C.M.P 4741/14 OF THE CHIEF
JUDICIAL MAGISTRATE COURT,KOLLAM.**
- EXT.P2 A TRUE COPY OF THE FIR IN CRIME NO 1339/14 OF KOLLAM EAST
POLICE STATION**
- EXT.P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT DTD 6-1-15**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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W.P.(C)No.906 of 2015

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Dated this the 10th day of July, 2015

JUDGMENT

The prayers in this W.P.(C) are as follows:

“(i) Issue a writ of Mandamus, direction or order directing the 3rd respondent to take appropriate actions forthwith for handing over the investigation of Crime No.1339/14 of Kollam East Police Station from the present investigating officer to any upright superior officer not below the rank of S.P or Dy.S.P. of the Crime Branch wing of the Police, for the ends of justice.

(ii) Grant any other appropriate relief considering the nature and circumstances of the case.”

2. The 1st respondent , Sub Inspector of Police, Kollam East Police Station, who is the Investigating Officer in Crime No.1339/2014 of Kollam East Police Station has filed a statement dated 04/02/2015. The details of the investigation so far conducted are stated therein.

3. Heard Sri.V.Venugopalan Nair, learned counsel for the petitioner and Dr.S.Gopakumaran Nair, learned Senior Counsel instructed by Smt.P.M.Mazna Mansoor learned counsel appearing for the 9th respondent and Sri. K.N.Abhilash, learned counsel

appearing for contesting respondent Nos. 5 to 8.

4. The limited prayer made by Sri.V.Venugopalan Nair, learned counsel appearing for the petitioner is that necessary direction may be issued to the 3rd respondent to take a decision on the representation submitted by the petitioner (Ext.P3) wherein he has prayed that the investigation may be entrusted to a Senior Officer not below of the rank of Superintendent of Police or Dy.S.P of the Crime Branch or the State Police. Various other aspects in this regard are mentioned in the Writ Petition as well as in Ext.P3 representation, the details of which are not necessary for the present purpose. In view of the submission made by petitioner, without going into the merits of the matter, it is ordered in the interest of justice that the 3rd respondent, Director General of Police, Police Head Quarters, Thiruvananthapuram will take up Ext.P3 representation for consideration without any further delay. It is open to the petitioner to file any detailed representation if he deals with and the same may be addressed to the 3rd respondent and forwarded along with the certified copy of this judgment. To effectuate proper consideration of the request made by 3rd respondent it is further ordered that the District Police Chief, Kollam

under whom the Investigating Officer in Crime No.1339/2014 of Kollam East Police Station is functioning, will immediately call for the entire CD files and investigation materials in Crime No. 1339/2014 and examine the same meticulously and find out about the details of the investigation so far conducted and make a report to the 3rd respondent, Director General of Police as to whether the investigation so far has been carried out in proper lines or even whether further effective steps are required in the matter and all such relevant aspects he should help the 3rd respondent Director General of Police to decide as to whether investigation should be entrusted to either Crime Branch as prayed for by him or any other Superior Police Officer, effectuating fair and proper conduct of the investigation. The Report in this regard shall be forwarded by the District Police Chief, Kollam within a period of three weeks from the date of production of certified copy of this judgment by the petitioner. Thereafter the 3rd respondent Director General of Police will take a decision on Ext.P3 representation made by the petitioner within a period of one month from the date of receipt of the report by the District Police Chief. The Public Prosecutor concerned and the learned counsel for the petitioner will ensure certified copies of

this judgment is forwarded to the 3rd respondent, Director General of Police and the District Police Chief, Kollam immediately.

With these observations and directions the W.P.(C) stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

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