

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 1417 of 2015 (B)

PETITIONER:

BALAN P.K. AGED 62 YEARS
S/O LATE KUTTAPPU, PEECHILI HOSUE, VENMENAD DESOM
PAVARATTY VILLAGE, CHAVAKKAD TALUK
THRISSUR DISTRICT.

BY ADV. SRI.P.A.CHANDRAN

RESPONDENTS:

1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
CHAVAKKAD POLICE STATION
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. THE DISTRICT POLICE CHIEF (RURAL),
THRISSUR DISTRICT, COLLECTORATE, THRISSUR 3.

R BY GOVERNMENT PLEADER, SHRI SHRI.JIBU P THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1417 of 2015 (B)

APPENDIX

PETITIONER'S' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE FIR IN CRIME NO.1861/2014 OF CHAVAKAD
POLICE STATION.

EXHIBIT P2: TRUE COPY OF THE CMP NO.2834 OF 2014 FORWARDED BY
THE HON'BLE JFCM, CHAVAKKAD UNDER SECTION 156(3)
OF CR.P.C.

EXHIBIT P3: TRUE COPY OF THE COMPLAINT DATED 26.11.2014 SUBMITTED
BY THE PETITIONER TO THE 2ND RESPONDENT WITH COPY
OF ACKNOWLEDGEMENT EVIDENCING RECEIPT OF THE SAME
BY THE OFFICE OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : nil

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// TRUE COPY //

PA to Judge

B.KEMAL PASHA, J.

W.P.(C) No.1417 of 2014 B

Dated this the 18th day of February 2015

ORDER

Dissatisfied with the investigation in Crime No.1861/2014 of Chavakkad police station, the father of the accused in the crime, has come up under Section 226 of the Constitution of India, seeking a direction for a fair investigation in the matter. The offence alleged is one under Section 376 of the I.P.C.

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

3. The contents of the C.D. *Prima facie* reveal the complicity of the son of the petitioner. An application seeking anticipatory bail was also filed along with the matter and the same was dismissed by this court earlier, thereby directing the son of the

petitioner to surrender before the Investigating Officer and to co-operate with the investigation. The Investigating Officer has reported that the investigation of this case is practically over and what remains is the potency test of the accused. It has been reported that the accused is absconding and therefore, the investigation is, at present, in a stand still, as the accused is not available for subjecting him to potency test. At this stage, any interference as prayed for by the petitioner is not required. All the matters noted by the petitioner herein can be taken up by the accused at the stage of Section 227 of Code of Criminal Procedure in the Sessions case.

With the said observations, this W.P.(C) is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge