

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 4942 of 2015 (P)

PETITIONER(S):

**THOMAS SHANTY, AGED 49 YEARS,
GRACE BHAVAN, KOONAMKUZHY,
PUNALUR VILLAGE, PUNALUR TALUK,
NOW RESIDING AT INFRA GALLANT BUILDING, FLAT NO.8B,
LAYAM ROAD, ERNAKULAM, KOCHI- 682 035.**

**BY ADVS.SRI.JOHNSON GOMEZ,
SRI.S.BIJU (KIZHAKKANELA).**

RESPONDENT(S):

- 1. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM -695 010.**
- 2. THE SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM -682 014.**
- 3. ABDUL KALAM KHAN,
AL-AMAL ENTERPRISES, 680/1, ZARIWALA BUILDING,
N.M. JOSHI MARG, NEAR BYCULLA RAILWAY STATION,
MUMBAI -400 027.**
- 4. PAUL ANTONY, AGED 59 YEARS,
SON OF ANTONY, ATTOKARAN HOUSE, KADUKUTTY,
CHALAKUDY VILLAGE, CHALAKUDY TALUK,
THRISSUR DISTRICT, PIN- 680 309.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-09-2015, ALONG WITH WP(C).NO.21790 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE COPY OF CRIME NO.2679 OF 2014 OF CENTRAL POLICE STATION.
- P2: A TRUE COPY OF THE INVENTORY PREPARED BY THE ADVOCATE COMMISSIONER BEFORE THE MUNSIFF'S COURT.
- P3: A TRUE COPY OF THE FIR IN CRIME NO.223 OF 2015 OF THE CENTRAL POLICE STATION.
- P4: A TRUE COPY OF THE FIR IN CRIME NO.2481 OF 2014 OF THE CENTRAL POLICE STATION.
- P5: A TRUE COPY OF THE COMPLAINT DATED 9TH FEBRUARY 2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
W.P.(C) Nos.4942 and 21790 of 2015
.....

Dated this the 1st day of September, 2015

J U D G M E N T

Seeking a proper investigation in Crime No.2679 of 2014 of Central Police Station, Kochi City, W.P.(C) No.4942 of 2015 has been filed by the defacto complainant. While the said writ petition was pending refer report was filed in the matter, after investigation. Challenging the refer report, W.P.(C) No.21790 of 2015 has been filed seeking further investigation in the matter under Section 173(8) Cr.P.C.

2. Now, it seems that the District Police Chief, Kochi has issued an order to the Assistant Commissioner of Police, Ernakulam to verify whether the findings of the

investigating officer in Crime No.2679 of 2014 of the Central Police Station, Kochi city are proper and correct. When such a direction has been issued, it has to be treated as a direction for carrying out further investigation in the matter under Section 173(8) Cr.P.C. The Assistant Commissioner of Police shall inform the court below that a further investigation is going on in the matter under Section 173(8) Cr.P.C. For all practical purposes, such a verification shall be a further investigation in the matter under Section 173(8) Cr.P.C. After such further investigation, a further final report shall be filed in the matter by the Assistant Commissioner of Police, Ernakulam.

With the above observations, these writ petitions are disposed of.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge