

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

WP(C).No. 8383 of 2015 (W)

PETITIONER:

P.P.RAJENDRAN NAIR, AGED 58 YEARS,
S/O.PARAMESWARAN NAIR, LAKSHMI BHAVAN, THELLIYOOR PO,
MALLAPPALY TALUK, PATHANAMTHITTA DISTRICT,
PIN-689 544.

BY ADVS.SRI.K.N.RADHAKRISHNAN (THIRUVALLA)
SRI.SALIM KAMBISSERI

RESPONDENTS:

1. STATE OF KERALA,
REP. BY HOME SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA DISTRICT, PIN-689 645.

3. DEPUTY SUPERINTENDENT OF POLICE,
PATHANAMTHITTA, PATHANAMTHITTA DISTRICT, PIN-689 645.

R1 TO R3 BY GOVERNMENT PLEADER SMT.MAYA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

DSV/30/11/15

WP(C) .No. 8383 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXT P1 : COPY OF FINAL REPORT OF CC.NO.403/2011 OF JFCM II
PATHANAMTHITTA.

EXT P2 : COPY OF AFFIDAVIT SWORN BY THE CW3 IN P1 CHARGE.

EXT P3 : COPY OF AFFIDAVIT SWORN BY THE CW4 IN P1 CHARGE.

EXT P4 : COPY OF FINAL REPRESENTATION SUBMITTED BEFORE THE
SECOND RESPONDENT DATED 12-03-2015.

RESPONDENTS' EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/30/11/15

B.KEMAL PASHA, J.

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W.P.(C).No.8383 of 2015

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Dated this the 30th day of November, 2015

J U D G M E N T

It seems that at the instance of the accused, a further investigation in the matter was ordered by the State Police Chief. The procedure is unheard of. In a case like the present one, the State Police Chief ought not to have ordered any further investigation at the instance of the accused. It is the fundamental principles of criminal jurisprudence that the accused has no say in the investigation. Finding fault with the investigation, the accused preferred a complaint before the State Police Chief and within no time, a further investigation was ordered.

2. The learned Government Pleader presently

submits that such an exercise of a further investigation is almost over. Let the report be filed within a month from today. In case of any further grievance to the petitioner on getting such a further final report, the petitioner can move this Court again.

With such a liberty, this Writ Petition (Civil) is presently closed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/30/11/15

// True Copy //

P.A. To Judge