

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 9258 of 2015 (F)

PETITIONER:

**BABY ANTOS, AGED 38 YEARS,
S/O.JOSEPH, PARAYIL HOUSE,
EDAMARAKU.P.O., KOTTAYAM.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENT(S):

- 1. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM-695 001.**
- 2. THE INSPECTOR GENERAL OF POLICE (CENTRAL ZONE),
ERNAKULAM-682 031.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
PALA-686 575.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
ERATTUPETTA-686 121.**
- 5. SUB INSPECTOR OF POLICE,
ERATTUPETTA-686 121.**

BY PUBLIC PROSECUTION SMT.S.HYMA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 9258 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE FIR DATED 25.12.2014.**
- P2- TRUE COPY OF THE FIS DATED 25.12.2014.**
- P3- TRUE COPY OF THE REQUEST DATED 27.12.2104.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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W.P (C) No.9258 of 2015

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Dated this the 17th day of June, 2015

J U D G M E N T

The prayers in this writ petition are as follows:

- i. Direct proper and effective investigation to be conducted by any other officers other than 5th into the incident which formed the basis of Ext.P1 FIR;
- ii. Direct the respondents 1 to 4 to issue orders transferring the investigation regarding the incident which formed the basis of Ex.P1 FIR;
- iii. Pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case.

2. The 4th respondent, The Circle Inspector of Police, Erattupetta, Kottayam District has filed statement dated 30.3.2015 in this matter, wherein it is stated that investigation has revealed that the accident occurred only because of the over speed and careless driving of the driver of the bus and that the eye witnesses stated that if the bus was in over speed and could not make slow while seeing the motor cycle coming from the opposite side and caused to hit it and that the bus was in normal speed, may be the accident would not have occurred or the gravity of the accident could be limited and that the local people stated that the bus in

question is an over speedy vehicle. It is also further stated therein that Inspector of Police, Erattupetta conducted the investigation of the case and revealed that the driver of the bus is guilty for offences u/s 279, 304 of the I.P.C. and charge sheeted the case before the Hon'ble Judicial First Class Magistrate Court, Erattupetta on 31.01.2015.

In the light of the averments in the above said statement filed by the Investigating Officer, this Writ Petition (Civil) is closed with liberty to the petitioner to work out his remedies in accordance with law, in appropriate proceedings.

sd/-

sab

ALEXANDER THOMAS, JUDGE