

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 9434 of 2015 (D)

PETITIONER :-

**VAISHAKH SHARMA, S/O.KUMARA SHARMA,
AGED 37 YEARS, RESIDING AT PATTAMTHURTAHU,
KIZHAKU MURI,
MUNDROTHURATHU, KOLLAM.**

BY ADV. SRI.ARUN BABU

RESPONDENTS :-

- 1. STATE OF KERALA
REPRESENTED BY THE DIRECTOR GENERAL
OF POLICE, POLICE HEADQUARTERS,
VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE CITY POLICE COMMISSIONER,
KOLLAM CITY, KOLLAM - 691 001.**
- 3. SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION,
KOLLAM - 691 001.**
- 4. DEWASWOM SUB GROUP OFFICER,
ASRAMAM DEWASWOM,
KOLLAM GROUP - 691 001.**

R BY SMT.S.HYMA, PUBLIC PROSECUTOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 9434 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : THE TRUE COPY OF THE FIR NO.1929/14 DATED 25/9/14 OF THE
KOLLAM EAST POLICE.**

**EXHIBIT P2 : THE TRUE COPY OF THE LETTER DATED 10.10.2014 ISSUED BY THE
SUB GROUP OFFICER IN CHARGE OF ASRAMAM DEWASWOM TO
PARIMANAM DEWASWOM OFFICER.**

**EXHIBIT P3 : THE TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
2ND RESPONDENT.**

**EXHIBIT P4 : THE TRUE COPY OF THE REPRESENTATION DATED 6TH JANUARY 2015
BEFORE THE 1ST AD 2ND RESPONDENTS ALONG WITH POSTAL
RECEIPT.**

RESPONDENT(S)' EXHIBITS : NIL

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//TRUE COPY//

P.A. TO JUDGE

ALEXANDER THOMAS, J

W.P.(C).No.9434 of 2015

Dated this the 4th day of June, 2015

ORDER

The prayer in this writ petition are as follows;

i) To call for the records leading to the investigation of Ext.P1 Crime and issue writ of mandamus or other appropriate writ, order or direction commanding the 1st respondent to transfer investigation of Ext.P1 Crime No: 1929/2014 of Kollam East Police Station, to a superior officer and direct the said person to conduct the investigation within a said period of time.

ii) To issue a Writ of Mandamus or other appropriate order directing the 1st respondent to transfer investigation of Ext.P1 Crime No: 1929/2014 of Kollam East Police Station, to another investigating agency.

iii) To issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. As directed by this Court, the third respondent, Sub Inspector of Police, Kollam East Police Station who is the Investigating Officer in this crime has filed a statement dated 03.06.2015 in this case which reads as follows;

“1. The petitioner of the writ petition is one Vaishak Sharmma, S/o.Kumara Sharmma, Pattamthuruthu Kizhakkemuri, Montro Island, Kollam.

2. A case had registered in Kollam East Police Station

in Cr.No.1929/14 U/S 511 of 379 IPC on 25.09.2014. The complainant of the said crime is one Radhakrishna Pillai, S/O. Thankappan Pillai, Rhanal Veedu, western side of Kolathundi Subrhamanya Swami Temple, Vendar Muri, Puthur village and he is working as Sub Group Officer, Devaswom, Asramaom.

3. The brief of the case is that on 25.09.2015 the said Sub Group Officer, Devaswom, Asramaom Temple, give a statement that in between 30.08.2014, 14:00 Hrs and 23.09.2014 11:30 hrs somebody had broke the lock of the offering box, which is situated in front of the Sreekovil of Asramon SreeKrishna Swamy temple. In this regard a Crime Case had registered in Cr.No.1929/14 US 511 of 379 IPC.

4. On 09.10.2012 a Juvenile, Althaf age 16, S/O Aliyar Manzil, Road Vila, Velinaloor, Kollam had arrested in Cr.No.2026/14 U/S 454, 461, 380 IPC of Kollam East Police Station. On interrogation he confessed that he had broke the lock of the offering box, which situated in front of the Sreekovil of Asramon SreeKrishna Swamy temple on 23.09.2014 11:20 Hrs and committed theft of an amount of rupees 7500/-.

5. The Investigation Officer altered the section to 454, 461 & 380 IPC and submitted a report before the Principal Magistrate Juvenile Justice Board, Kollam along with the remand report on 09.10.2014. The court sent him to Children Observation Home, Kollam.

6. On enquiry and his confession it is revealed that the Hero Honda Motor Cycle in Registration No.KL 02 G 1167 was brought by the child Juvenile Conflict with Law with the amount of stolen property in Cr.No.1929/14.

7. After completion of the enquiry in Cr.1929/14, submitted the charge sheet before Principal Magistrate Juvenile Justice Board Kollam as the Althaf as a child Juvenile Conflict with Law.

8. On 30.01.2015 the Juvenile Child Conflict with Law had produced before the Principal Magistrate Justice Board, Kollam from Judicial custody the court read the charge sheet against child Juvenile Conflict with Law in ST No.135/14. He admitted the charge against him and the court release him U/S 15(1) (a) of JJ act."

3. It is further submitted by the learned Public Prosecutor on instructions from the third respondent, Investigating Officer that the

accused that the petitioner herein is not accused either in the above said FIR or in the Final Report are submitted before the court and that only accused is Juvenile by name Sri. Althaf and the charge sheet in respect of crime in 1929/14 has been submitted before the Principal Magistrate Juvenile Justice Board, Kollam as against the said Juvenile (Althaf) who is in Conflict with Law.

4. Learned counsel for the petitioner submits that in view of the averments in the above said statement and the submissions now made by the learned Public Prosecutor, this matter could be closed.

Accordingly, this Writ Petition(Civil) will stands closed.

Sd/-
ALEXANDER THOMAS
JUDGE

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P.A. TO JUDGE