

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 21801 of 2013 (A)

PETITIONER(S):

- 1. LILLY PUSHPAM
D/O.CICILY, RENJITH BHAVAN, KANNAMPALLY
URIYAKKODE, VELLANADU VILLAGE, NEDUMANGADU TALUK
THIRUVANANTHAPURAM.**
- 2. MANI RAJAN, AGED 38 YEARS
S/O.RAJAYYAN NADAR, KANNAMPALLY KUNNUMPURATHU VEEDU
URIYAKKODE, VELLANADU VILLAGE, NEDUMANGADU TALUK
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S):

- 1. DIRECTOR GENERAL OF POLICE (LAW AND ORDER)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT POLICE CHIEF,
OFFICE OF THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM (RURAL)
THIRUVANANTHAPURAM - 695 001.**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DY. SUPERINTENDENT OF POLICE
NEDUMANGAD, THIRUVANANTHAPURAM - 695 001.**
- 4. SUB INSPECTOR OF POLICE,
ARYANAD POLICE STATION
THIRUVANANTHAPURAM - 695 542 (CRIME NO.428/2013
OF ARYANAD POLICE STATION
THIRUVANANTHAPURAM)**

R1 -R 4 BY ADV. GOVERNMENT PLEADER SMT. S. HYMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21801 of 2013 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE FIR IN CRIME NO.428/2013 OF ARYANAD POLICE STATION.

EXT.P2: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST PETITIONER DATED 01/06/2013 BEFORE THE 4TH RESPONDENT AND RECEIPT OF ACKNOWLEDGEMENT.

EXT.P3: TRUE COPY OF THE POSTMORTEM CERTIFICATE.

EXT.P4: TRUE COPY OF THE MASS PETITION SUBMITTED BY THE NATIVES OF URIYACODE, VELLANAD, DATED 29/06/2013.

EXT.P5: TRUE COPY OF THE RECEIPT FORWARDING THE EXHIBIT P4 TO 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

W.P.(C) No. 21801 of 2013

Dated this the 26th day of March, 2015.

J U D G M E N T

The writ petitioners herein are the close relatives of one 'Jagan' who died in a JCB accident in a quarry. The police registered a crime on complaint, investigated it as a case of accident, and now there is final report in court also. Pending the investigation, the petitioners brought this writ petition for effective investigation by the Crime Branch. Their allegation is that the death of Jagan is in fact a case of planned murder, and not a mere case of accident. Pending the proceedings herein the police concluded the investigation. The police could not come to any other finding, and accordingly submitted final report under Sections 336 and 304 A IPC. The petitioners are aggrieved. They still believe that this is in fact a case of murder. They want effective further investigation to explore such possibilities. They have also their own reasons to suspect that this is a case of murder. Anyway, in the present circumstance where investigation is over and final report is also filed in court, the petitioners will have to

pursue other appropriate remedies possible under the law, including a direction for further investigation under Section 173 (8) Cr.P.C. If such an application is made, and if the request is supported by grounds and reasons, it will definitely be considered by the court, and appropriate orders will be passed.

In the result, this petition is disposed of, with a direction to the court below that, in case an application is filed by the petitioners for further investigation under section 173(8) Cr.P.C, it shall be considered on merits judiciously, and appropriate orders shall be passed.

Sd/-

P.UBAID,
JUDGE

sab