

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 19321 of 2015 (M)

PETITIONER :

**RATHEESH KUMAR, AGED 29 YEARS,
S/O. DEVARAJAN, ERUMATHADATHIL HOUSE,
MUTTATHUKONAM P.O., CHENNEREKKARA VILLAGE,
KOZHENCHERY TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SMT.INDU SUSAN JACOB

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA.**

R1 & R2 BY GOVERNMENT PLEADER SMT. SAREENA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-11-2015, ALONG WITH WPC. 20781/2015, WPC. 20782/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

WP(C).No. 19321 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE F.I.R 1598/2013 OF PATHANAMTHJITTA POLICE STATION ISSUED BY THE MAGISTRATE IN C.C NO. 206/2014 ON THE FILES OF JFCM COURT-I, PATHANAMTHITTA.
- EXHIBIT-P2: TRUE COPY OF THE FINAL REPORT ISSUED BY THE MAGISTRATE IN C.C NO. 206/2014 ON THE FILES OF JFCM COURT-I, PATHANAMTHITTA.
- EXHIBIT-P3: TRUE COPY OF THE COMPLAINT MADE BY THE MS. SUBI S. RAJ TO THE DIRECTOR GENERAL OF SIGNALS, NEW DELHI.
- EXHIBIT-P4: TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED IN HINDU ON DATED 02/01/2015.
- EXHIBIT-P5: TRUE COPY OF THE COMMUNICATION RECEIVE BY THE PETITIONER'S BROTHER FROM THE OFFICE OF THE POLICE CHIEF.
- EXHIBIT-P6: TRUE COPY OF THE FIR 2081/2014 AND THE REPORT MADE BY THE POLICE OFFICERS SUOMOTO FOR INITIATING PROCEEDINGS UNDER SECTION 107 OF CR.P.C.
- EXHIBIT P7: COPY OF THE JUDGMENT DT 24/6/2015IN CRL.M.C. NO. 3382/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
W.P.(C) Nos.19321, 20781 & 20782 of 2015
.....

Dated this the 17th day of September, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. It is true that the petitioner is faced with a tragic situation wherein, as and when he happens to be at this native place, he is being implicated in criminal cases. There is a long standing dispute with regard to property in between the petitioner and his uncle. The petitioner is a military man, working at New Delhi.

3. It seems that he is being implicated in cases alleging offences punishable under Sections 447, 323, 506

(i) etc. Section 294(b) is also being alleged. Three crimes, out of which, two crimes were registered on the basis of the complaint of the uncle and the other one on the complaint of the daughter of his uncle.

4. The petitioner has got a specific case that he was approached by a police constable, named Thajudeen, seeking bribe. The petitioner was instrumental in getting the said Thajudeen caught red handed by the Vigilance and Anti-corruption Bureau, and presently the said police constable is under suspension. According to the petitioner, higher-ups in the police in the District are in a hostile attitude towards the petitioner, at the influence of the said Thajudeen.

5. Normally, this Court is reluctant in handing over the investigation to any other investigating officer when there is such a request from the part of the accused concerned. At the same time, the serious circumstances pointed out by the petitioner have to be considered. In two

crimes, final report has already been filed. In Crime No.2010/14, the final report has not so far been filed. The District Police Chief, Pathanamthitta shall look into the matter and give timely directions to the investigating officer in Crime No.2010/2014. The District Police Chief shall supervise the investigation, by considering the aforesaid facts.

With the above said directions, these Writ Petitions are closed. It is made clear that in the two cases wherein the final report has already been filed, the petitioner is at liberty, if so advised, to approach this Court or the appropriate forum, challenging the final report in case of grievance.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge