

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 22462 of 2015 (G)

PETITIONER:

**TOMY THOMAS, AGED 48 YEARS, S/O THOMAS,
MANIYAMMACKAL HOUSE, PALA, PROPRIETOR,
MANIYAMMACKAL RUBBERS, PALA.**

**BY ADVS.SRI.BENNY JOSEPH
SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.V.VISAL AJAYAN
SRI.B.SURJITH
SRI.ABHILASH JOSE
SRI.M.A.AHAMMAD SAHEER
SMT.R.ANJANA**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HOME DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR GENERAL OF POLICE (LAW & ORDER),
POLICE HEAD QUARTER, THIRUVANANTHAPURAM-695 001.**
- 3. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
KOTTAYAM-686 001.**
- 4. DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTEDENT OF POLICE, PALA-686 575.**
- 5. THE CIRCLE INSPECTOR OF POLICE,
PALA POLICE STATION, KOTTAYAM DISTRICT - 686 575
(CRIME NO. 1069/10 OF PALA POLICE STATION,
KOTTAYAM DISTRICT)**
- 6. SUB INSPECTOR OF POLICE,
PALA POLICE STATION, KOTTAYAM DISTRICT-686 575.**

BY ADDL. ADVOCATE GENERAL SRI.K.A.JALEEL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF COMPLAINT DT. 14/9/10.
- EXT.P2: TRUE COPY OF FIR IN CRIME NO. 1069/10.
- EXT.P3: A TRUE COPY OF THE REFER REPORT SUBMITTED BY THE
5TH RESPONDENT BEFORE THE JUDICIAL MAGISTRATE OF FIRST
CLASS, PALA, ON 28/11/11.
- EXT.P4: TRUE COPY OF ORDER OF JUDICIAL MAGISTRATE OF FIRST CLASS ,
PALA DT. 24/4/12.
- EXT.P5: TRUE COPY OF REPRESENTATION DT. 10/7/12 SUBMITTED BEFORE
THE 2ND RESPONDENT.
- EXT.P6: TRUE COPY OF REPORT SUBMITTED BY THE 5TH RESPONDENT
BEFORE THE JUDICIAL MAGISTRATE OF FIRST CLASS, PALA
ON 31/3/14.
- EXT.P7: TRUE COPY OF JUDGMENT IN WPC NO 22626/12 DT. 3/12/14.
- EXT.P8: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER
DT. 27/1/15.
- EXT.P9: TRUE COPY OF ORDER OF JUDICIAL MAGISTRATE OF FIRST CLASS ,
PALA DT. 17/4/15.
- EXT.P10: TRUE COPY OF THE REPRESENTATION DT. 16/7/15 SUBMITTED
BEFORE THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

.....
W.P.(C) No.22462 of 2015
.....

Dated this the 8th day of September, 2015

J U D G M E N T

The matter relates to the manipulations allegedly made in forward marketing. According to the District Police Chief, Kottayam, investigation was conducted twice and any manipulation could not be traced out. It has also been reported that under the scanner of Forward Marketing Commission, such manipulations by a member is almost impossible.

2. According to the petitioner, the said stand taken by the investigating agency is not correct and a fruitful investigation has not been carried out. The District Police

Chief has reported that a total re-investigation can be conducted in Crime No.1069/2010 of the Pala Police Station by the Deputy Superintendent of Police. Let the Dy.S.P. investigate the matter once again and a thorough investigation shall be made, and the petitioner shall render every assistance to such an investigation. The Deputy Superintendent of Police can seek for assistance from the petitioner to have a fruitful investigation.

This writ petition is disposed of with the aforesaid direction. In case of any further complaint to the petitioner in the matter relating to the investigation or the outcome of such investigation, he can have recourse to appropriate proceedings.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge