

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C) .No. 22739 of 2015 (N)

PETITIONER(S) :

1. ANILKUMAR,
AGED 37 YEARS, S/O.VELAPPAN, LEKSHMI BHAVAN,
TC 48/881-1, KONCHIRAVILA,
MANAVAUD VILLAGE, THIRUVANANTHAPURAM.
2. JAGADEESAN,
AGED 37 YEARS, S/O.VELAPPAN,
LEKSHMI BHAVAN, TC 48/881-1,
KONCHIRAVILA, MANAVAUD VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER.

RESPONDENT(S) :

1. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY - 695 001.
2. SUB INSPECTOR OF POLICE,
FORT POLICE STATION, THIRUVANANTHAPURAM - 695 001.
3. SHIBU @ THUPPI SHIBU,
S/O.ANIRUDHAN, KONCHIRAVILA, MANACAUD VILLAGE,
THIRUVANANTHAPURAM - 695 001.
4. ANILKUMAR @ PAPAPDAM ANI,
S/O.PEETHAMBARAN, TC. 48/886, KALLADI MUGHAM,
ATTUKAL WARD, MANACAUD VILLAGE,
THIRUVANANTHAPURAM - 695 001.
5. SATHEESAN,
S/O.GANESAN, GANESAM VEEDU, KONCHIRAVILA,
AMBALATHARA WARD, MANACAUD VILLAGE,
THIRUVANANTHAPURAM - 695 001.
6. MOHANAN,
S/O.GANESAN, VASUMANIYAM VEEDU (GANESAM), KONCHIRAVILA,
AMBALATHURA WARD, MANACAUD VILLAGE,
THIRUVANANTHAPURAM - 695 001.

R1,R2 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE FIR & FIS IN CRIME NO.63/2008 PREPARED BY FORT POLICE STATION 27.01.2008.

EXHIBIT P2. TRUE COPY OF THE FINAL REPORT IN CC 287/2011 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM.

EXHIBIT P3. TRUE COPY OF BILL BOND EXECUTED BY THE 1ST ACCUSED SHIBU AND RAVEENDRAN.

EXHIBIT P4. TRUE COPY OF PETITION DATED 24.06.2015 SUBMITTED BY 1ST PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

B. KEMAL PASHA, J.

.....
W.P.(C) No.22739 of 2015
.....

Dated this the 3rd day of September, 2015

J U D G M E N T

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According to the petitioners, they are injured in the incident relating to Crime No.63/2008 of the Fort Police Station, Thiruvananthapuram, which is presently pending as C.C.287/2011 before the Judicial First Class Magistrate's Court-II, Thiruvananthapuram. Their complaint is that in order to prove the motive as well as the attack meted out to the 2nd petitioner, the investigating officer has chosen to cite CW6 and CW7, who are the close relatives of the accused. According to the learned counsel for the petitioners, no other witnesses have been cited for proving the said aspect. It is also pointed out that one of such witnesses is one of the sureties to the 1st accused.

2. On hearing the learned counsel for the petitioners and learned Public Prosecutor and on going through the

statement filed by the 2nd respondent, it has come out that the apprehension forwarded by the petitioners is quite reasonable. There is a requirement for a further investigation in the matter under Section 173(8) Cr.P.C. limited to the aforesaid aspects alone.

In the result, writ petition is disposed of directing the Inspector of Police, Fort Police Station, Thiruvananthapuram to carry out a further investigation in the matter relating to the aforesaid aspects alone. The investigating officer shall inform the court below with regard to such further investigation and carry out and complete such further investigation within three months from the date of receipt of a copy of this judgment.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/09

// True Copy //

PA to Judge