

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 24870 of 2015 (G)

CRIME NO.65/2015 OF KODUVALLY POLICE STATION.

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PETITIONER(S):

**JAMSHAD V.A, S/O.P. ABU,
VARIKKOTTUCHALIL HOUSE, PUTHOOR. P.O.,
OMASSERY (VIA), KOZHIKODE DISTRICT, PIN - 673 582.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON,
SRI.A.SANTHOSHKUMAR,
SMT.KAVERY S THAMPI,
SMT.ANJANA KANNATH.**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KODUVALLY POLICE STATION, KODUVALLY,
KOZHIKODE DISTRICT, PIN - 673 572.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KODUVALLY, KOZHIKODE DISTRICT, PIN - 673 572.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
THAMARASSERY, KOZHIKODE DISTRICT, PIN - 673 572.**
- 4. THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
NORTH ZONE, KOZHIKODE - 673 011.**
- 5. THE DISTRICT POLICE CHIEF,
KOZHIKODE RURAL, VADAKARA, PIN - 673 101.**
- 6. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 7. THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH, KOZHIKODE - 673 001.**

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**8. THE CENTRAL BUREAU OF INVESTIGATION,
KATHRIKADAVU, ERNAKULAM - 682 017.**

**R1 TO R7 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.
R8 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, SC, C.B.I.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.65/2015 OF KODUVALLY POLICE STATION.
- EXT.P2: TRUE COPY OF THE ORDER DATED 11.03.2015 IN CRL.M.C.NO.522 OF 2015 ON THE FILE OF THE COURT OF SESSIONS, KOZHIKODE DIVISION.
- EXT.P3: TRUE COPY OF THE JUDGMENT DATED 31.03.2004 IN O.S.NO.188 OF 2004 ON THE FILE OF THE MUNSIF'S COURT, KOZHIKODE - II.
- EXT.P4: TRUE COPY OF WOUND CERTIFICATE ISSUED FROM THE SANTHI HOSPITAL, OMASERY, KOZHIKODE TO THE PETITIONER.
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 18.04.2015 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P6: TRUE COPY OF THE COMPLAINT DATED 02.06.2015 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXT.P6(A): TRUE COPY OF THE ACKNOWLEDGMENT OF RECEIPT ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT.
- EXT.P7: TRUE COPY OF INTIMATION ISSUED FROM THE OFFICE OF THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P8: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.64/2015 OF KODUVALLY POLICE STATION.
- EXT.P9: TRUE COPY OF WOUND CERTIFICATE ISSUED FROM THE TALUK HOSPITAL, THAMARASSERY IN FAVOUR OF SRI.FIROZ.
- EXT.P10: TRUE COPY OF THE FINAL REPORT IN CRIME NO.64/2015 OF KODUVALLY POLICE STATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
W.P.(C). No. 24870 of 2015

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Dated this the 12th day of October, 2015.

JUDGMENT

Two crimes were registered as Crime No.64/2015 and Crime No.65/2015 almost regarding the very same incident. The incident in question had arisen at a crusher unit belongs to the father of the petitioner. According to the petitioner, he had sustained serious injuries on his abdomen due to a stab inflicted by the accused, for which, he was admitted at Medical College Hospital, Kozhikode and was undergoing treatment.

2. The Investigating Officer has chosen to file the final report in Crime No.64/2015 against the petitioner herein; whereas Crime No.65/2015 was referred as false. It has to be noted that the incident in question had arisen at the quarry belongs to the father of the petitioner and not at a public place. The fact as to how the accused had access to the quarry, has not been considered by the Investigating Officer.

3. On going through the matter and hearing either sides, this Court is of the view that a further investigation is required in Crime No.65/2015 of the Koduvally Police Station, under Section 173(8) Cr.P.C. The Dy.S.P., under whom Koduvally Police Station comes, shall look into the matter, conduct a further investigation and file a further final report expeditiously.

With the said direction, this Writ Petition is disposed of.

Sd/-
B.KEMAL PASHA, J.
(Judge)

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