

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24970 of 2015 (U)

PETITIONER :

**A.ANIL KUMAR
S/O. APPU, AGED 44 YEARS
RESIDING AT PRIYA NIVAS, KAVINPURAM
VILAPPIL VILLAGE, KATTAKADA TALUK, VILAPPILSALA P.O.
TRIVANDRUM DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.**
- 2. CITY POLICE COMMISSIONER
OFFICE OF CITY POLICE COMMISSIONER
TRIVANDRUM - 695 001.**
- 3. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, TRIVANDRUM - 695 001.**
- 4. ASSISTANT COMMISSIONER CONTONMENT
TRIVANDRUM - 695 001.**
- 5. SRI.SURESH KUMAR
ASSISTANT COMMISSIONER CANTONMENT
TRIVANDRUM - 695 001.**
- 6. STATION HOUSE OFFICER
MUSEUM POLICE STATION, TRIVANDRUM - 695 001.**

R1 TO R4 & R6 BY GOVT. PLEADER SRI. RAJESH VIJAYAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 24970 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE JUDICIAL
1ST CLASS MAGISTRATE NO. III, TRIVANDRUM.**
- EXT. P2 - THE TRUE COPY OF THE FIR IN CRIME NO. 161/2015 REGISTERED BY
THE MUSEUM POLICE STATION DT. 21.2.2015.**
- EXT. P3 - THE TRUE COPY OF THE NEWS REPORT PUBLISHED IN
MATHRUBHUMI DAILY DT. 09.3.2015.**
- EXT. P4 - THE TRUE COPY OF THE NEWS REPORT PUBLISHED IN
SUPREBHATHAM DAILY DT. 09.3.2015.**
- EXT. P5 - THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE CITY
POLICE COMMISSIONER.**
- EXT. P6 - THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE DGP.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

W.P.(C) No. 24970 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The prayers in this writ petition (civil) are as follows:

“... to handover the investigation in Crime No.161/2015 to any other competent officer under 2nd respondent, pending disposal of the Writ Petition (Civil).”

2. Heard Sri. C.K. Sreejith, learned counsel for the petitioner and Sri. Rajesh Vijayan, learned public prosecutor for the respondent.

3. Sri. C.K. Sreejith, the learned counsel for the petitioner submits that petitioner would confine with a limited direction from this Court for a direction to the 2nd respondent, City Police Commissioner, Trivandrum to examine the grievances pointed out in Ext.P5 petition submitted by him and to take a decision thereon and request for entrust the matter for further investigation in this case to a different officer.

4. In view of this limited prayer laid by the petitioner, it is ordered in the interest of justice that the 2nd respondent, City Police Commissioner, Trivandrum will take it for consideration

Ext.P5 petition (if it is still pending consideration) without any further delay and examine the grievances of the petitioner and take a decision thereon. In order to effectuate proper consideration of the grievances of the petitioner it is directed that the 2nd respondent, District City Police Commissioner will ensure that the entire case diary (CD files) in the crime is got examined by an officer not below the rank of Assistant Commissioner of Police and ascertain as to whether there has been any serious deficiencies in the investigation so far conducted or whether the investigation has been misdirected or not carried out properly or even whether the investigation (even if it does not suffer from any of the aspects mentioned above), still requires fine tuning so as to ensure the fair and proper conduct of the investigation.

After examining these aspects the City Police Commissioner will decide whether the further investigation of the case is to be entrusted to an officer who is superior in rank than the present investigating officer and take a decision thereon. The City Police Commissioner should also be guided by the considerations that the investigation should not only be fair and effective but should

also appear to be fair and effective and should elicit confidence in the propriety and fairness of such investigation. The petitioner will also to be at about to file any additional petition/representation on his grievances and the representation may be produced along with certified copy of this judgment. The said representation should also be taken in to consideration by the 2nd respondent while taking the decision as afore stated. The 2nd respondent will ensure that decision is rendered as directed above within period of two weeks from the date of production of the certified copy of this judgment.

With these observations and directions this writ petition stands finally disposed of.

Sd/-
ALEXANDER THOMAS
JUDGE

WW