

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 25628 of 2014 (C)

CRIME NO. 537/2012 OF PERINGOME POLICE STATION, KANNUR DISTRICT.

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PETITIONER:

**SIMON GEORGE, PALAMOOTTIL HOUSE,
KARIPPAAL P.O., PERUMBADAVU,
KANNUR DISTRICT.**

**BY ADVS.SRI.V.PREMCHAND,
SRI.V.TEKCHAND.**

RESPONDENT:

- 1. THE DISTRICT POLICE CHIEF,
KANNUR.**
- 2. THE SUB INSPECTOR OF POLICE,
PERINGOM POLICE STATION, KANNUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1- TRUE COPY OF THE FIRST INFORMATION REPORT DATED 02-07-2012.

**EXHIBIT P2- TRUE COPY OF THE PETITION DATED 01-01-2013 BEFORE THE
1ST RESPONDENT.**

**EXHIBIT P3- TRUE COPY OF THE REPRESENTATION DATED 07-03-2014
BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P4- TRUE COPY OF THE STATEMENT DATED 02/07/2012 OF THE
PETITIONER MADE BEFORE THE PERINGOM POLICE STATION.**

**EXHIBIT P5- TRUE COPY OF THE COMPLAINT DATED NIL FILED BEFORE THE
DISTRICT COLLECTOR, KANNUR.**

**EXHIBIT P6- TRUE COPY OF THE COMPLAINT DATED 04/06/2012 FILED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR, KANNUR.**

**EXHIBIT P7- TRUE COPY OF THE COMPLAINT DATED NIL FILED BY LOCAL
PEOPLE BEFORE THE DISTRICT COLLECTOR, KANNUR.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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W.P.C No.25628 of 2014

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Dated this the 13th day of August, 2015

J U D G M E N T

The prayers in this Crl.M.C are as follows:

- i) Issue a direction to the 2nd respondent to conduct a fair, proper and Speedy investigation into Crime No.537/2012 of Peringome Police Station, Kannur District.
- ii) Issue a direction to the 1st respondent to conduct a Speedy investigation into Crime No.537/2012 of Peringome Police Station and to complete the same within a time limit.
- iii) Any other reliefs this Hon'ble Court deems fit.

2. The respondent, Sub Inspector of Police, Peringome Police Station has filed a statement dated 1.7.2015 in this case and it will be profitable to refer to the contents of the such statement which reads as follows:

“1. It is respectfully submitted that on 2.7.2012 the petitioner Symon George, came to the police station and orally gave a complaint regarding the accused person Chennakkunnel Joy, that he cheated the complainant by submitting a fake complaint to District Collector Kannur against the complainant by affixing fake signature of the friends and relatives of the complainant etc. facts. Based on the complaint a Crime Case is registered in Peringome Police Station as Cr.No.537/12 u/s.417, 469, 471 the I.P.C. on the same day.

2. It is humbly submitted that the matter of the fact is that the complainant Symon George filed a petition to the District Collector, Kannur for rectifying the document of his property in R.S No.54/5 in Vellora Village. Meanwhile the rectifying process going on, the alleged accused named Channakkunnel Joy filed another petition stating that the above property is not belongs to Symon George, but the property of Eramam-Kuttur Panchayath. This

petition is a mass petition signed by 9 persons in the locality. The complainant says that it was done by the accused person Chennakkunnel Joy himself as fake, who makes the same without the knowledge and consent of the concerned persons shown in the disputed petition due to the enmity towards him. And also saying that the rectifying process was stopped on the basis of the forged counter petition, that cause harm to his reputation and lost the property deserved to him etc. fact. On investigation, statement of witnesses recorded including complainant, 9 local persons named and signed in the forged petition and accused person also.

3. It is humbly submitted that the alleged accused stated in the FIR Chennakkunnel Joy, on his statement states that, both of them are Natives and the complainant Symon George is not in a good connection with neighbors and Natives. He lodged so many complaints and cases against them and also states that the disputed land is a "Purambokku Bhoomi" not belongs to Symon George. So he discussed this matter with others like Roy Pinadath etc. But he didn't write any complaint against Symon George and submitted the same to District Collector. He also denies the roll in the fake petition matter.

4. It is humbly submitted that on investigation conducted so far it is revealed that on the basis of witnesses statement and photo copies of some documents that the complainant submitted a petition to The District Collector, Kannur for rectifying the documents of his 30 cent Land in R.S.No.54/5 in Vellora Village. Later another complaint was also submitted to the District Collector against Mr. Symon George and his complaint. But on investigation it is found that the counter petition submitted to District Collector was a fake complaint and it was anonymous. The name and signature in the complaint are fake because the noted persons are denied that who have no complaint against Symon George and they have put no signature in any complaint against him.

5. It is humbly submitted that it is very necessary to find out actually who makes the fake complaint against Symon George and submitted to the District Collector. To know about the role of accused Chennakkunnel Joy and Roy Pinadath on the matter it is necessary to examine and comprise the handwritings in the alleged false compliant and their original handwriting. For that purpose the original complaint of Symon George and the fake complaint against him is most necessary.

6. It is humbly submitted that as part of investigation the specimen signature and sample handwriting of alleged accused Chennakkunnel Joy and one Roy Pinadath has taken for comparison with the fake petition.

7. It is humbly submitted that the original of alleged fake complaint received from the District Collector Office and it was submitted before the court of Judicial First Class Magistrate's Court Payyannur on 10.02.2015, with the sample of handwritings taken and forwarding note for necessary action. The delay had occurred

due to heavy workload at the Police Station, which has a larger jurisdiction in Kannur District. The same was forwarded by the court to RFSL, Kannur for examination.”

3. In view of the submissions made in paragraph 7 of the above statement this Court had issued order dated 17.7.2015 which reads as follows:

“It is stated in paragraph 7 of the statement dated 01/07/2015 filed by the respondent Sub Inspector of Police that the relevant samples of specimen handwritings relating to Crime No.537/2012 of Peringome Police Station, Kannur District have been forwarded to the Regional Forensic Science Laboratory, Kannur for expert examination. It is accordingly ordered in the interest of justice that the authorities of Regional Forensic Science Laboratory, Kannur shall duly complete the test result process in this regard and to ensure that the expert opinion is forwarded to the competent criminal court concerned and copies of the same should also be forwarded to the Investigating Officer to enable him to complete the investigation. Considering the fact that crime was registered as early as on 02/07/2012 and there was some delay also in completing these formalities, it shall be ensured by the authorities of the Regional Forensic Science Laboratory that expeditious action is taken without any further delay. The Investigating Officer will complete the investigation immediately on receipt of the RFSL's test results. The Public Prosecutor and the Investigating Officer will ensure that the copy of this order is forwarded to the Regional Forensic Science Laboratory, Kannur and competent officer of that laboratory will furnish instructions to the PP as to the time required for completing the test results.”

4. Heard Sri. V.Prem Chand, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent, State of Kerala

5. Now it is submitted on behalf of the learned Public Prosecutor appearing for the respondent State of Kerala that the Director of Forensic Science Laboratory was informed that the

minimum time for one moth will be required for completing the test process and to forward the test results to the criminal court concerned.

6. In view of the aspects referred to herein above, it is ordered in the interest of justice that the Forensic Science laboratory will take all possible endeavours to ensure that the test results are finalised without any further delay and the certificates in that regard shall be forwarded to the competent criminal court concerned with due intimations to the Investigating Officer concerned. On receipt of the such intimation regarding the test results process, the Investigating Officer concerned shall complete all the other formalities required in respect of the investigation and shall submit the necessary final report before the competent criminal court, at least within 6 weeks after the date of receipt of the test results from the Forensic Science Laboratory Authorities concerned.

With these observations and directions, the CrI. M.C stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE

