

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 26003 of 2015 (A)

PETITIONER:

**SUNIL VALLIYIL, AGED 48 YEARS,
S/O.DIVAKARAN, VALLIYIL HOUSE,
AGADICAL, CHENGANNUR,
ALAPUZHA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY HOME SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM - 695 001.**
- 3. SUB INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION,
CHENGANNUR, ALAPPUZHA DISTRICT, PIN - 688001.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 26003 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- COPY OF FIR IN CRIME NO 1669/2014 OF CHENGANUR POLICE STATION.**
- P2:- TRUE COPY OF ORDER IN BA NO 6518/2014 OF THE HON'BLE HIGH COURT, DTD 21/10/2014.**
- P3:- COPY OF NOTICE PUBLISHED BY THE SNDP, SHAKHA DTD 14/8/2014.**
- P4:- COPY OF POSTER PUBLISHED BY THE SNDP, SHAKHA.**
- P5:- COPY OF NOTICE FOR GENERAL BODY OF SNDP SHAKHA DTD 20/7/2014.**
- P6:- REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

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W.P.(C) No.26003 of 2015
.....

Dated this the 16th day of September, 2015

J U D G M E N T

The accused in C.C. No.2385/15 of the Judicial First Class Magistrate's Court, Chengannur, which has arisen from Crime No.1669/2014 of the Chengannur Police Station, registered for the offences punishable under Sections 406 and 420 IPC, has come up with a request for a further investigation by an impartial police officer.

2. It seems that the investigation is over and a final report is filed in the matter, and now it is pending as C.C.No.2385/15. It seems that the petitioner has not described as to what are the lapses in the investigation

conducted by the investigating officer. If at all there were any flaws in the investigation, the petitioner can bring those things to the notice of the court below while dealing with the matter under Section 239 Cr.P.C. In case of any further grievance in the matter, the petitioner ought to have approached this Court for getting the final report quashed. Instead of it, the petitioner has sought for a further investigation in the matter, which is quite uncalled for at present. Matters being so, this writ petition is closed on the following line:

In case an application is filed by the petitioner under Section 239 Cr.P.C., the court below shall consider it and dispose of it on merits while dealing with the matter under Sections 239 and 340 Cr.P.C.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge