

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 26814 of 2015 (B)

PETITIONER :

**M/S.MARYMATHA CONSTRUCTION COMPANY,
MARYMATHA SQUARE, ARAKKUZHA ROAD, MUVATTUPUZHA P.O.,
ERNAKULAM -686 661,
REPRESENTED BY ITS PARTNER SABU CHERIAN, AGED 47 YEARS,
RESIDING AT MADAECKKAL HOUSE, MUVATTUPUZHA P.O.,
ERNAKULAM - 686 661.**

BY ADV. SRI.P.SHANES METHAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANNATHAPURAM-695 001.**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANNATHAPURAM-695 001.**
- 3. THE DISTRICT POLICE CHIEF, ERNAKULAM-682 001.**
- 4. THE STATION HOUSE OFFICER,
KALAMASSERY POLICE STATION,
ERNAKULAM DISTRICT-682 026.**
- 5. M/S.ASIAN MOTORS PVT. LTD,
PATHADIPALAM, EDAPPALLY, KOCHI-682 024,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 6. THE GENERAL MANAGER,
M/S.ASIAN MOTORS PVT. LTD, PATHADIPALAM,
EDAPPALLY, KOCHI-682 024.**
- 7. SHYJU JOSE,
ASSISTANT GENERAL MANAGER, M/S.ASIAN MOTORS PVT. LTD.,
PATHADIPALAM, EDAPPALLY, KOCHI-682 024**
- 8. M/S.AMW MOTORS LTD.,
FLAT NO.33/B, SAGAR SOCIETY, ROAD NO.2,
BANJARA HILLS, HYDERABAD-500 034,
REPRESENTED BY ITS MANAGING DIRECTOR.**

**R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 26814 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE COMPLAINT IN CRL.M.P.NO.2943/2014 ON THE
FILE JUDICIAL FIRST CLASS MAGISTRATE, ALUVA.

EXT.P2. TRUE COPY OF THE FIR IN CRIME NO.1848/2014 OF KALAMASSERY
POLICE STATION, ERNAKULAM DISTRICT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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B.KEMAL PASHA, J.

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W.P.(C).No.26814 of 2015

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Dated this the 8th day of October, 2015

J U D G M E N T

It seems that there is serious laxity on the part of the present investigating officer in conducting the investigation. It is a case in which an amount of ₹19,00,000/- was obtained by the accused by promising that a truck would be supplied to him. After obtaining the amount, no truck was supplied as promised. Similarly, from several other persons also the accused, in a bogus name, had obtained huge amounts. According to the petitioner, the present investigating agency is hand-in-gloves with the accused.

2. No fruitful purpose will be served in the continued investigation by the present investigating officer, since no investigation at all is going on. The attempts from the part of the present investigating officer cannot be termed as an investigation. Immediately the investigation shall be handed

over to the CBCID Crime Branch, EOW-II, Kalamassery. The ADGP Crimes shall issue immediate orders by appointing an investigating officer.

This Writ Petition (Civil) is disposed of as above.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/9/10/15

// True Copy //

P.A. To Judge