

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. 27256 of 2015 (F)

CC 295/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADIMALI.
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PETITIONER:

**INFANT THOMAS, MATTEL HOUSE,
MACHIPLAVU, ADIMALY, IDUKKI.**

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

- 1. STATION HOUSE OFFICER, (CBCID),
CRIME BRANCH CRIMINAL INVESTIGATION
DEPARTMENT, OCW 1 HEAD QUARTERS,
THIRUVANANTHAPURAM-695001.**
- 2. THE SUB INSPECTOR OF POLICE,
KUMALI POLICE STATION, KUMALI,
IDUKKI, PIN - 685509.**
- 3. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

BY STATE ATTORNEY SRI.P.MJAYARAGHAVAN

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

mbr/

WP(C).No. 27256 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1: TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE
SUPERINTENDENT OF POLICE CRIME BRANCH TO THE ADDITIONAL
DIRECTOR GENERAL OF POLICE DATED 25.1.2010.

EXT-P1(A): TYPED COPY OF EXT.P1.

EXHIBIT-P2: TRUE PHOTOCOPY OF THE SEIZURE INVENTORY PREPARED BY THE
SECOND RESPONDENT DATED 14.6.2010.

EXHIBIT-P3: TRUE PHOTOCOPY OF THE ORDER IN B.A.5235/2014 DATED 30.7.2014
OF THE HIGH COURT OF KERALA.

EXHIBIT-P4: TRUE PHOTOCOPY OF THE FINAL REPORT/CHARGE SHEET FILED BY
THE SECOND RESPONDENT BEFORE THE JFCM, COURT, ADIMALI.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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W.P.(C).No.27256 of 2015

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Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner is the accused in C.C.No.295 of 2015 of the Judicial First Class Magistrate's Court, Adimaly in Crime No.294/Cr/OCW 1/TVM/10 for the offences punishable under Sections 465, 468, 471 and 420 IPC read with Section 34 IPC.

2. According to the petitioner, any offence has not been brought out even from the contents of the Final Report in the matter. The contentions taken by the petitioner can be proved only on the basis of evidence in the matter. The present stage is too premature to consider those questions. This Court cannot go into the intrinsic particulars of the evidence collected by the investigating officer.

3. At the same time, the court below can consider those questions at the stage of Section 239 Cr.P.C. In the event of

an application to that effect, the court below shall consider the same on merits and shall pass appropriate orders in accordance with law.

With liberty to the petitioner to have recourse to such a procedure at the stage of Section 239 Cr.P.C., this Writ Petition (Civil) is closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/12/10/15

// True Copy //

P.A. To Judge