

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 28004 of 2015 (A)

PETITIONER(S):

**T.G.MOHAN DAS, AGED 59 YEARS,
S/O. GOVINDA NAIK, SANTHI NAGAR COLONY, HOUSE NO.9/996,
KOOVAPPADAM, KOCHI - 682 002.**

**BY ADVS.SRI.SAJITH KUMAR V.
SRI.P.K.ANTONY
SMT.M.DEEPAMOL
SRI.M.JAYAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT,
GOVERNMENT OF KERALA, TRIVANDRUM-695001.**
- 2. THE STATE POLICE CHIEF,
KERALA POLICE HEAD QUARTERS, TRIVANDRUM-695001.**
- 3. THE ASSISTANT COMMISSIONER OF POLICE
ERNAKULAM.**
- 4. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS DIRECTOR, CBI HEAD QUARTERS,
NEW DELHI-110001.**
- 5. THE NATIONAL INVESTIGATING AGENCY,
REPRESENTED BY ITS DIRECTOR, NIA HEAD QUARTERS,
NEW DELHI-110001.**
- 6. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
MINISTRY FOR HOME AFFAIRS, GOVERNMENT OF INDIA,
NEW DELHI-110001.**

**R1-R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R4 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.
R5 BY SPECIAL PUBLIC PROSECUTOR SRI.M.AJAY, FOR NIA
R6 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - A TRUE COPY OF THE CMP NO. 4001/2013 FILED BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT AT ERNAKULAM.
- P2 - A TRUE COPY OF THE ORDER DT. 28.09.2013 IN CMP NO. 4001/2013 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT ERNAKULAM.
- P2(A) - A TRUE COPY OF THE FIR IN CRIME NO. 1196/2013 REGISTERED BY THE ERNAKULAM NORTH POLICE STATION.
- P3 - A TRUE COPY OF THE NOTICE DT. 03.10.2013 TO THE ASSISTANT COMMISSIONER OF POLICE.
- P4 - A TRUE COPY OF THE NOTICE DT. 05.10.2013 TO THE ASSISTANT COMMISSIONER OF POLICE.
- P5 - A TRUE COPY OF THE STATEMENT OF SECOND ACCUSED DT. 07.4.1998.
- P6 - A TRUE COPY OF STATEMENT MADE BEFORE THE CI OF POLICE, CALICUT TOWN BY THE 2ND ACCUSED
- P7 - A TRUE COPY OF THE STATEMENT BY MR.T.PABDUL SALIM DT.1/4/98
- P8 - A TRUE COPY OF THE DOWNLOADED PROCEEDINGS OF THE 12TH KERALA LEGISLATIVE ASSEMBLY.
- P9- A TRUE COPY OF THE REPORT DT. 20.6.2006 OF THE KERALA LEGISLATIVE ASSEMBLY.
- P10 - A TRUE COPY OF THE PROCEEDING OF THE KERALA LEGISLATIVE ASSEMBLY DT. 05.09.2007.
- P11 - A TRUE COPY OF THE REPRESENTATION DT. 05.8.2015 SUBMITTED BY THE PETITIONER TO THE PRINCIPAL SECRETARY, HOME DEPARTMENT BY THE PETITIONER.
- P12 - A TRUE COPY OF THE LETTER DT. 21.8.2015 ISSUED BY THE ADDITIONAL CHIEF SECRETARY, HOME.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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W.P.(C).No.28004 of 2015

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Dated this the 7th day of October, 2015

J U D G M E N T

Alleging a conspiracy hatched among the accused in the crime, to exterminate one P. Parameswaran, the Director of Bharatheeya Vicharakendram and Fr.Alavi, who was formerly a Muslim and was later converted to Christianity some time in the year 1996.

2. The petitioner has sought for a fruitful investigation in the matter by the CBI or NIA. A detailed statement dated 26.09.2015 has been furnished by the Detective Inspector, CB CID, HHW-II, Ernakulam. The statement has been recorded. It seems that the matter is under investigation. Even though the learned counsel for the petitioner has got a case that no investigation is being done, the statement reveals that the matter is being investigated, and the investigating officer has taken several steps to

investigate the matter.

3. It has been reported that a detailed and discrete investigation has to be conducted on the basis of the statement of the petitioner and the some other witnesses, and also the witnesses and accused persons in Crime No.62 of 1998 of the Casba Police Station, Kozhikode have to be questioned in detail. It has been reported that the investigation is in progress. The investigating officer has sought for six more months time to complete the investigation.

By granting six more months time to complete the investigation, this Writ Petition (Civil) is closed. In the event of any further grievance in the matter, the petitioner can again approach this Court.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/7/10/15

// True Copy //

P.A. To Judge