

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937**

**WP(C).No. 30610 of 2015 (A)**  
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**PETITIONER(S):**  
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1. VINOD, AGED 35 YEARS,  
S/O.GOPALAN, VAYALIKARA VEEDU, KADAVOOR CHERY,  
THRIKKADAVOOR VILLAGE FROM THEKKADATH VEEDU,  
NEAR 18TH STEP, MATHILIL CHERY, THRIKKADAVOOR VILLAGE,  
KOLLAM.
2. PRIYARAJAN @ ANIYAN, AGED 35 YEARS,  
S/O.PRABHAKRAN, MUTHALAZHIKATHU VEEDU, KADAVOOR CHERY,  
THRIKKADAVOOR VILLAGE, KOLLAM.

**BY ADVS.SRI.C.RAJENDRAN  
SRI.K.R.RANJITH**

**RESPONDENT(S):**  
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1. THE STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. DISTRICT POLICE CHIEF,  
KOLLAM DISTRICT-691 001.
3. SUB INSPECTOR OF POLICE,  
ANCHALUMMOODU POLICE STATION,  
KOLLAM DISTRICT-691 602.
4. BALU, AGED 38 YEARS,  
S/O.PUSHPANGADAN, KALARIPADINJATTETHIL, KADAVOOR CHERY,  
THRIKKADAVOOR VILLAGE, KOLLAM DISTRICT-691 601.

**R1-R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 30610 of 2015 (A)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1: A TRUE PHOTOCOPY OF THE F.I.R. ALONG WITH THE F.I.R. IN CRIME  
NO.1364/2012 OF ANCHALUMMOODU POLICE STATION.**

**EXHIBIT-P2: A CERTIFIED OF THE FINAL REPORT IN CRIME NO.1364/2012 OF  
ANCHALUMMOODU POLICE STATION.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**MsV/**

**B.KEMAL PASHA, J.**

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W.P.(C) No. 30610 of 2015

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Dated this the 3<sup>rd</sup> day of November, 2015

**JUDGMENT**

Petitioners are A1 and A2 in CP No.46/2015 of the Judicial First Class Magistrate 's Court-I, Kollam, which has arisen from Crime No.1364/2012 of the Anchalamoodu Police Station, for the offences under Sections 341, 323, 201 and 307 read with Section 34 IPC.

2. According to the petitioners, at the time of the alleged incident, the 2<sup>nd</sup> petitioner was not present at the scene of occurrence and that he was available at the premises of M/s Capitan Exporting Company. The precise request is that the CCTV Footages of the said company has to be examined and in such case, it will come out that the 2<sup>nd</sup> petitioner was present at the said company at the time of the alleged incident.

3. The petitioners, being the accused in the case, is

now taking up a plea equal to one of alibi and he is demanding the Investigating Officer to investigate the case on the said lines through a further investigation. Such a benefit cannot be extended to the accused. At the same time, it is open to the petitioners to bring inconsistencies, if any at the stage of Section 227 Cr.P.C before the concerned Sessions Court dealing with the matter.

By giving such a liberty to the petitioners, this Writ Petition is presently closed. On filing an application under Section 227 Cr.P.C, the concerned Sessions Court shall pass appropriate orders in the matter, in accordance with law.

Sd/-  
**B.KEMAL PASHA, JUDGE**

stu