

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 32239 of 2015 (D)

PETITIONER(S):

**RAMESH PUTHENVEETIL,
F4- HIGHLIFE APARTMENT, CIVIL LANE ROAD, THRISSUR -3.**

BY ADV. SRI.BABU CHERUKARA

RESPONDENT(S):

- 1. VIGILANCE & ANTI CORRUPTION BUREAU,
VIGILANCE & ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM -695 001.**
- 2. DEPUTY SUPERINTENDENT OF POLICE,
V A C B, THRISSUR -680 001.**
- 3. MR.THERAMBIL RAMAKRISHNAN, M.L.A.,
S/O. NANIKUTTIYAMMA, KRISHNAKRIPA, AYYANTHOLE P.O.,
PIN - 680 003.**
- 4. MR.RADHAKRISHNAN,
S/O. AYYAPPATH PARUKUTTIYAMMA, AYYANTHOLE VILLAGE,
THRIKKUMARAMKUDAM DESOM, SANTHI NAGAR,
THRISSUR - 680 003.**
- 5. MRS.RAMANI,
W/O. RADHAKRISHNAN, AYYAPPATH, AYYANTHOLE VILLAGE,
THRIKKUMARAMKUDAM DESOM, SANTHI NAGAR,
THRISSUR - 680 003.**
- 6. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**

R1, R2 & R6 BY SPECIAL GOVERNMENT PLEADER SRI.TOM K.THOMAS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 32239 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE COMPLAINT C.M.P 485/2011 BEFORE THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR DATED 21/03/2011 WITHOUT DOCUMENT.

EXHIBIT-P2-TRUE COPY OF THE ORDER DATED 05/08/2011 OF THE COURT OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR.

EXHIBIT-P3-TRUE COPY OF THE FINAL REPORT IN C.M.P NO. 485/2011 SUBMITTED BY THE 2ND RESPONDENT BEFORE THE VIGILANCE COURT THRISSUR DATED 24/03/2012.

EXHIBIT-P4-TRUE COPY OF THE OBJECTION DATED 05/07/2012 FILED BY THE PETITIONER IN EXHIBIT-P3 REPORT.

EXHIBIT-P5-TRUE COPY OF THE ORDER IN C.M.P 485/2011 DATED 13/08/2012.

EXHIBIT-P6-TRUE COPY OF THE FIR IN CRIME NO. 18/2012 DATED 16/08/2012 OF V A C B POLICE STATION, THRISSUR.

EXHIBIT-P7-TRUE COPY OF THE WRITTEN SUBMISSION FILED BY THE 2ND RESPONDENT BEFORE THE VIGILANCE AND ANTI CORRUPTION ENQUIRY COMMISSION, THRISSUR DATED 16/04/2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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W.P.(C) No. 32239 of 2015

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Dated this the 8th day of December, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The learned Public Prosecutor submits that the factual report was prepared in the matter and that was submitted before the higher officers. In the meantime, a complaint was filed by the 1st accused before the Home Minister complaining about the lack of proper investigation. It is quite unfortunate that the State Police Chief, to whom the said complaint was forwarded, has ordered a further investigation in the matter under Section 173(8) Cr.P.C. In fact, such a further investigation should not have been ordered on the complaint of an accused in the case. It is trite law

that the accused has no say in the matter of investigation. Whatever it is, presently such an exercise is also over. Whether any illegal interference is there or not is not discernible at present. The Investigating Officer seeks three months time to file the further final report in the matter.

By directing the Investigating Officer to file the further final report before the court below within three months from today, this Writ Petition is presently closed. In case of further grievance in the matter, it is open to the petitioner to approach this Court again.

Sd/-
B.KEMAL PASHA, JUDGE

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