

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 34207 of 2014 (A)

PETITIONER(S):

SIMON K. FRANCIS  
KUTTIKADAN HOUSE, THOTTATHIL LANE, FATHIMA NAGAR  
THRISSUR 680 005.

BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR  
SRI.JELSON J.EDAMPADAM

RESPONDENT(S):

1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
DEPARTMENT OF ENVIRONMENT, SECRETARIAT  
THIRUVANANTHAPURAM, PIN 695 001.

2. KERALA STATE POLLUTION CONTROL BOARD  
PLAMOODU, PATTOM, THIRUVANANTHAPURAM 695 004  
REPRESENTED BY ITS SECRETARY

3. DIRECTOR GENERAL OF POLICE  
THIRUVANANTHAPURAM , PIN 695 004

4. SUB INSPECTOR OF POLICE  
WEST POLICE STATION, THRISSUR CITY, PIN 680 005.

5. CENTRAL BUREAU OF INVESTIGATION  
REPRESENTED BY ITS SUPERINTENDENT OF POLICE  
CBI KATHRIKKADAVU, ERNAKULAM, PIN 682 018.

R5 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.  
R1,R3,R4 BY ADV.P.VIJAYA RAGHAVAN, STATE ATTORNEY  
BY ADV.SRI.ABDUL RASHEED, ADGP.  
R2 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
01-12-2015, ALONG WITH CRMC. 7093/2014, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

WP(C).No. 34207 of 2014 (A)  
-----

APPENDIX

PETITIONER(S) ' EXHIBITS :  
-----

EXHIBIT P1 COPY OF THE JUDGMENT DATED 24/2/2006 OF THIS HON'BLE COURT  
IN WPC NO. 19757/2005

EXHIBIT P2 COPY OF THE JUDGMENT DATED 26/9/2006 OF THIS HON'BLE  
COURT IN WA NO. 482/2006

EXHIBIT P3 COPY OF THE FINAL REPORT IN NPR 5/07(3) DATED 29/9/2007

EXHIBIT P4 COPY OF THE JUDGMENT DATED 9/10/2009 OF THIS HON'BLE COURT  
IN WPC NO. 36205/2007

EXHIBIT P5 COPY OF THE GO(RT) NO. 95/10/ENVT.DATED 30/10/2010

EXHIBIT P6 COPY OF THE GO(RT) NO. 22/2010/ENVT. DATED 24/3/2010

EXHIBIT P7 COPY OF THE COMMON JUDGMENT DATED 9/11/2010 OF THIS  
HON'BLE COURT IN WPC NO.11235/2010,WA NOS.181,211 AND  
1436 OF 2010 AND WPC NO. 20211/2010

EXHIBIT P8 COPY OF THE ORDER DATED 24/2/2014 IN SPECIAL LEAVE TO  
APPEAL (CIVIL) NO. (S) 32934-32936/2010,OF THE SUPREME  
COURT OF INDIA

EXHIBIT P9 COPY OF THE JUDGMENT DATED 27/8/2014 OF THIS HON'BLE  
COURT IN CONTEMPT OF COURT CASE NO.842/2014

EXHIBIT P10 COPY OF THE GO(MS) NO.10/14/ENVT.DATED 14/8/2014

EXHIBIT P11 COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.  
1624/2014 OF THE WEST POLICE STATION, THRISSUR

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

//TRUE COPY//

P.A TO JUDGE.

STU

**B.KEMAL PASHA, J.**

=====

W.P.(C) No.34207 & CrI.M.C. No.7093 of 2014

=====

Dated this the 1<sup>st</sup> day of December, 2015

**JUDGMENT**

Originally, the Vigilance Case, registered as V.C No.7/2005 of the Vigilance and Anti Corruption Bureau, Thrissur, was handed over to the CBI for investigation. The CBI registered RC No.21A/2005 in the matter, investigated it, and filed the final report, the copy of which is Annexure-E in CrI.M.C.No.7093/2014.

2. Another crime was registered as Crime No.1624/2014 of the West Police Station, Thrissur, alleging conspiracy by the accused in the said crime relating to the matter in question in RC 21A/2005.

3. On hearing both the learned counsel for the petitioners, the learned Additional DGP and the learned

Standing Counsel for the CBI, this Court is satisfied that the investigation in Crime No.1624/2014 of the West Police Station, Thrissur, being a matter which has close connection with the matter in issue in RC No. 21A/2005 has also to be investigated by the CBI as they have investigated the main case. Otherwise, there may be a conflict of decisions from the part of the Investigating Officers.

4. In the result, W.P.(C) No.34207 of 2014 and Crl.M.C. No.7093 of 2014 are disposed of by ordering the continued investigation in Crime No.1624/2014 of the West Police Station, Thrissur, by the CBI.

5. The present request of the petitioners in Crl.M.C.No.7093/2014 is that the condition imposed on them to appear before the Investigating Officer twice every month, may be lifted. Let the investigation be taken over by the CBI. In case, the concerned Investigating Officer of the CBI feels that their continued presence is not required, the concerned

Investigating Officer of the CBI can dispense with their presence or modify the said condition. In case of any further grievance, it is open to the petitioners to approach this Court again.

Sd/-

**B.KEMAL PASHA, JUDGE**

stu