

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No.34263 of 2014 (G)

PETITIONER:

**SAYISHKUMAR.N,S/O.BALAN NAMBIAR,AGED 50 YEARS,
KUNTHIM VEETIL,KAVVUMBHAGAM,KOLASSERY,
KANNUR-670601,NOW DETAINED AS PRISONER
BEARING NO.C-2610 CENTRAL PRISON,
NATIONAL HIGHWAY 17,PODIKKUNDU,KANNUR-670004.**

**BY ADVS.SRI.P.B.AJOY
SRI.T.M. DOLGOVE**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HOME,GROUND FLOOR,
MAIN BLOCK,SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PANOOR CIRCLE POLICE STATION,
KANNUR-670692.**

R1-R2 BY PUBLIC PROSECUTOR SMT.P.MAYA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.34263 of 2014 (G)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1:TRUE COPY OF THE JUDGMENT DATED 18-10-2013 OF THE
PRINCIPAL SESSIONS JUDGE,THALASSERY IN SESSIONS
CASE NO.1/2012.**

**EXHIBIT-P2:TRUE COPY OF THE CRIMINAL MISCELLANEOUS APPLICATION
NO.4805/2014 IN CRIMINAL APPEAL NO.333/2014 DATED 31-07-2014.**

**EXHIBIT-P3:TRUE COPY OF THE CRIMINAL MISCELLANEOUS APPLICATION
NO.5007/2014 IN CRIMINAL APPEAL NO.333/2014 DATED 06-08-2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.UBAID, J.
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**W.P (C) No.34263 of 2014**  
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Dated this the 15th January, 2015

J U D G M E N T

The writ petitioner herein is a convict undergoing sentence under Section 302 of Indian Penal Code on the allegation that he committed murder of his own wife. The Criminal Appeal brought by him is now pending before this Court. The convict now seeks orders for further investigation on some suspicion that his father-in-law had some involvement in the prosecution. He was defended by a counsel appointed by State Brief, and the trial court convicted him after full trial. On 15.1.2015, this Court directed the petitioner to address the court how this writ petition for further investigation is maintainable when everything stands closed by a judgment of conviction, and the matter is now pending before the Appellate Court. Today, there is no representation for the petitioner. It appears that he knows the result of the proceeding.

2. On a perusal of the writ petition, I find no scope or reason for interference now. There is a conviction on full

trial, and the conviction is under challenge in appeal before the Appellate Forum. If the Appellate Forum finds the necessity of any sort of interference, appropriate orders can be passed in appeal. A separate writ petition demanding further investigation in the case cannot be entertained.

In the result, this writ petition is dismissed.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge

The writ petitioner herein is a convict, who has received sentence under Section 302 of Indian Penal Code. The allegation against him is that he committed murder of his own wife. The Criminal Appeal brought by him before the Appellate Court is now pending. He now seeks orders for further investigation on some suspicion that his father-in-law had some involvement in the prosecution. Admittedly, he was defended by a counsel appointed on State Brief. He received the conviction after a full fledged trial. Now the matter is pending before the Appellate Forum. In such a situation, the petitioner will have to convince the court, how,

and to what extent, this court can, by way of writ proceeding, intrude into the process, which is now at the appellate stage and being considered by the Appellate Court. Everything involved in the case including all the legal aspects concerning investigation, will have to be agitated before the Appellate Forum and the Appellate Forum will have to take decision. The writ petitioner will address the court how this writ petition is maintainable.

Post after a month.

**P.UBAID
JUDGE**

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