

Jayasree Vs. State of Kerala

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Court : Kerala

Decided On : Feb-26-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Jayasree

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN WEDNESDAY, THE 26TH DAY OF FEBRUARY 2014 7TH PHALGUNA, 1935 CrI.MC.No. 1133 of 2014 (B) ----- CRIME NO. 1050/2013 OF KALLAMBALAM POLICE STATION , THIRUVANANTHAPURAM PETITIONER(S): ----- 1. JAYASREE, AGED 43 YEARS, W/O.RAJAN, VILAYIL VEEDU, KARAVARAM P.O THOTTACKADU, THIRUVANANTHAPURAM PIN 695605.

2. RAJAN, AGED 52 YEARS S/O.VIDYADARAN, VILAYIL VEEDU, KARAVARAM P.O THOTTACKADU, THIRUVANANTHAPURAM PIN 695605. BY ADVS.SRI.P.HARIDAS SMT.S. SIKKY COMPLAINANT(S): ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. SUPERINTENDENT OF POLICE (RURAL) THIRUVANANTHAPURAM 695001.

3. DEPUTY SUPERINTENDENT OF POLICE ATTINGAL, THIRUVANANTHAPURAM695101.

4. SUB INSPECTOR OF POLICE KALLAMBALAM, THIRUVANANTHAPURAM695101.

5. MOHANAN MANIKANTA VILASAM VEEDU, KARAVARAM P.O THOTTACKADU PIN695605.

6. PRASANAN MANIKANTA VILASAM VEEDU, KARAVARAM P.O THOTTACKADU PIN695605.

7. PRADEEPAN MANIKANTA VILASAM VEEDU, KARAVARAM P.O THOTTACKADU PIN695605. ...2 CrI.MC.No. 1133 of 2014 (B) -2- 8. DEVADASAN MANIKANTA VILASAM VEEDU, KARAVARAM P.O THOTTACKADU PIN695605.

9. PRIYESH SAROVARAM VEEDU, KARAVARAM P.O, THOTTACKADU PIN695605.

10. MAYA W/O.BABU, SAROVARAM VEEDU, ANDILKONAM KARAVARAM P.O, THOTTACKADU PIN695605. R1 TO R4 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2602-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 1133 of 2014 () -----

APPENDIX PETITIONER(S)' EXHIBITS -----

ANNEXURE1 COPY OF THE FIR NO.1050/13 OF KALLAMBALAM POLICE STATION DATED1012.13. ANNEXURE2A). COPY OF WOUND CERTIFICATE OF IST PETITIONER DATED0610.13. ANNEXURE2B). COPY OF WOUND CERTIFICATE OF2D PETITIONER DATED0610.13. ANNEXURE3 COPY OF THE FIR NO.1087/13 OF KALLAMBALAM POLICE STATION DATED1810.13. ANNEXURE4A). COPY OF THE LETTER DATED1010.13 FORWARDING THE COMPLAINT TO THE OFFICE OF ADGP. ANNEXURE4B). COPY OF THE REPRESENTATION DATED3010.13 FORWARDED TO ADGP(SZ) ANNEXURE5A). COPY OF NEWS IN MALAYALAM MANORAMA

DATED2907.13. ANNEXURE5B). COPY OF NEWS IN MALAYALA MANORAMA
DATED0808.13. ANNEXURE6 COPY OF THE

ORDER

OF SDM DATED2011.13. RESPONDENT(S)' EXHIBITS
----- NIL //TRUE COPY// P.A. TO JUDGE JJJ N.K.
BALAKRISHNAN, J.

----- Crl.M.C. No. 1133 of 2014 (B)
----- Dated this the 26th day of February, 2014

ORDER

Petitioners are the wife and husband. The incident took place on 05.10.2013 at 10.30 am. There was dispute with regard to digging of a bore well. With respect to the incident, in which the petitioners sustained injuries, Crime No. 1050/2013 was registered by Kallambalam Police, alleging offences under sections 143, 147, 148, 294(b), 341, 323, 324, 354 and 427 r/w 149 of IPC. It is stated that the accused therein had animosity towards the petitioners because of the dispute with regard to the alleged unauthorised digging of bore will.

2. Another crime was registered against the petitioners and others as Crime No. 1087/2013 alleging offences under sections 143, 147, 148, 452, 294(b), 324, 323, 354 and 427 r/w 149 of IPC. Crl.M.C. No. 1133/2014 (B) -2- 3. It is submitted by the learned counsel for the petitioners that the investigation is not being properly done. Both the case diaries have been made available to me. I have perused the same. Investigation is being conducted under the personal supervision of the Dy.S.P., Attingal.

4. The contention that in the crime registered against the respondents section 326 of IPC should have been incorporated, cannot be accepted at this stage as there is nothing to show that any grievous hurt was caused. Anyway, that also is a matter to be gone into by the Investigating Officer. The contention that investigation should be done under the supervision of the Superintendent of Police, cannot be accepted. Court cannot direct that investigation should be done

in any particular manner. After going through the case diary, I could not see that any prejudice was shown to one side or that any predilection Crl.M.C. No. 1133/2014 (B) -3- was shown to the other. It is submitted that charge sheet will be filed at the earliest. If the parties are aggrieved, they can approach the court for appropriate reliefs at that stage. In the result this Criminal M.C. is disposed of as above. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to judge jjj

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