

Ramla vs State of Kerala

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Court : Kerala

Decided On : Apr-12-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.Rev.Pet/445/2023

Appellant : RAMLA

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 12TH DAY OF APRIL 2023 / 22ND CHAITHRA, 1945 CRL.REV.PET NO. 445 OF 2023 CRIME NO.661/2022 OF NARAKKAL POLICE STATION, ERNAKULAM AGAINST THE ORDER/JUDGMENT CR 661/2022 OF TEMPORARY JUDL. FIRST CLASS MAGISTRATE COURT, NJARAKKAL REVISION PETITIONER/PETITIONER : RAMLA, AGED 48 YEARS W/O PHALGUNAN, ARAKKAPARAMBIL HOUSE, PUTHUVYPU POST, VYPIN, KOCHI, PIN - 682 508. BY ADV DENIZEN KOMATH RESPONDENTS/RESPONDENTS : 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, PIN - 682 031. 2 STATION HOUSE OFFICER, NJARAKKAL
POLICE STATION NJARAKKAL POST, VYPIN, KOCHI, PIN - 682 505.
BY ADV PUBLIC PROSECUTOR NOUSHAD K.A. THIS CRIMINAL
REVISION PETITION HAVING COME UP FOR ADMISSION ON
12.04.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: BECHU KURIAN THOMAS, J
Crl.Rev.Pet.No.445 of 2023 Dated this the 12th
day of April, 2023

ORDER

Revision petitioner is the defacto complainant in Crime No.661/2022 of Njarakkal Police Station. She is aggrieved by the alleged laxity in the investigation into the said crime. Alleging improper investigation, revision petitioner approached the learned Magistrate with an application as CMP No.1308/2022 seeking directions to monitor the investigation and also to include Sections 308 and 451 of the Indian Penal Code, 1860 as offences committed by the accused.

2. By the impugned order dated 22.02.2023, the learned Magistrate on noticing that the offences under Sections 341 and

326 of IPC had already been added, came to the conclusion

that a direction to include Sections 308 and 451 of IPC cannot be entertained because the same is within the realm of authority of the Investigating Officer. However, the learned Magistrate directed periodical reports showing the progress of investigation to be submitted by the Investigating Officer.

3. I have heard the learned counsel for the revision petitioner as well as the learned Public Prosecutor.

4. Even though the learned counsel for the revision petitioner

vehemently submitted that the impugned order is wrong in law, I could not notice any irregularity or impropriety in the impugned order. After taking note of the addition of Sections 326 and 341 of IPC, the learned Magistrate concluded that the

court cannot dictate to the investigating officer as to the manner in which the investigation is to be conducted. I am in complete agreement with the reasoning of the learned Magistrate and I find no reason to interfere with the said order. This Criminal Revision Petition fails, and the same is dismissed. sd/- BECHU KURIAN THOMAS JUDGE AMV/12/04/2023 APPENDIX OF CRL.REV.PET 445/2023 PETITIONER ANNEXURES ANNEXURE A1 TRUE PHOTOCOPY OF FIR IN CRIME NUMBER

DATED 25/05/2022 ANNEXURE A2 TRUE PHOTOCOPY OF CMP NO. 1308/2022 IN CRIME NUMBER 661/2022 ANNEXURE A3 TRUE PHOTOCOPY OF THE REPORT FILED BY RESPONDENT DATED 04.07.2022 ANNEXURE A4 TRUE CERTIFIED COPY OF THE ORDER DATED 22.02.2023 IN CMP.NO.1308/22 IN CR.NO.661/2022 OF NJARAKKAL POLICE STATION TRUE COPY

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