

Aji Kumar vs State of Kerala

Aji Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1355822

Court : Kerala Orders

Decided On : Apr-13-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/3249/2023

Appellant : Aji Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 13TH DAY OF APRIL 2023 / 23RD CHAITHRA, 1945 CRL.MC NO. 3249 OF 2023 IN CRIME NO. 716/2022 OF MANNAR POLICE STATION, ALAPPUZHA PETITIONER/COMPLAINANT: AJI KUMAR AGED 50 YEARS S/ O. SREEDHARAN, KIDANGIL HOUSE, KUTTANPEROOR POST, MANNAR VILLAGE CHENGANNUR TALUK., PIN - 689622 BY ADV N.N.SASI RESPONDENTS/STATE/ACCUSED: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE INSPECTOR OF POLICE MANNAR POLICE STATION, MANNAR.P.O. ALLEPPEY., PIN - 689622

3 RADHAKRISHNAN. S AGED 57 YEARS PALLAMADATHIL HOUSE,
KUTTAMPEROOR.P.O. MANNAR, ALLEPPEY., PIN - 689623 4
M.UTHAMAN AGED 62 YEARS NITHYA NIVAS,
VALIYAKULANGARA.P.O. KUTTAMPEROOR, MANNAR ALLEPPEY,
PIN - 689623 5 V.PRADEEP KUMAR AGED 47 YEARS KOMATH
HOUSE, VALIYAKULANGARA.P.O. MANNAR, ALLEPPEY., PIN -
689623 BY ADV SMT.SEETHA.S PUBLIC PROSECUTOR THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.04.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

===== Dated this the
13th day of April, 2023

ORDER

Petitioner seeks for a direction to expedite the investigation in Crime No.716/2022 of Mannar Police Station, Alappuzha.

2. Petitioner is the defacto complainant in the aforesaid crime alleging offences under Sections 406, 420 and 120B of the Indian penal Code,1860.

3. According to the petitioner, despite registering the crime as early as on 19.11.2022, no serious investigation has been carried out.

4. In Sakiri Vasu vs State Of Uttar Pradesh and Others

[(2008) 2 SCC 409], Supreme Court had categorically observed that High Courts must discourage petitions under Article 226 of the Constitution of India or under Section 482 of Cr.P.C, to monitor the investigation or to speed up the investigation, since Courts of first instance are bestowed with such powers.

5. In view of the above, since the petitioner has an alternative

remedy to approach the Jurisdictional Magistrate, I am of the view that this is not a fit case where this Courts jurisdiction under Section 482 of Cr.P.C ought to be invoked to monitor the investigation. Accordingly, reserving the liberty of the petitioner to approach the Jurisdictional Magistrate for the same relief, this criminal miscellaneous case is dismissed. Sd/- BECHU KURIAN THOMAS JUDGE Jka/13.04.23. APPENDIX OF CRL.MC 3249/2023 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE SALE DEED NO.943/21 OF S.R.O. MANNAR DATED 15/09/2021 Annexure A2 THE TRUE COPY OF RECEIPT AND PAYMENT ACCOUNT FOR THE PERIOD 01-01-2021 TO 31-12-2021 Annexure A3 A TRUE COPY OF THE COMPLAINT DATED 22-10-2022 FILED BEFORE THE DISTRICT POLICE CHIEF, ALAPPUZHA Annexure A4 THE TRUE COPY OF THE COMPLAINT IN C.M.P. NO.32/2022 DATED 11-11-2022 FILED BEFORE JFMC I CHENGANUR Annexure A5 A TRUE COPY OF THE F.I.R. NO.716/2022 DATED 19-11-2022 OF MANNAR POLICE STATION Annexure A6 A TRUE COPY OF THE COMPLAINT DATED 30- 11-2022 TO CHIEF MINISTER

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com