

Jayakumar B Kurup vs the Joint Director of Enforcement

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Court : Kerala

Decided On : Feb-03-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : WP(Crl.)/438/2021

Appellant : Jayakumar B Kurup

Respondent : The Joint Director of Enforcement

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 3RD DAY OF FEBRUARY 2023 / 14TH MAGHA, 1944
WP(CRL.) NO. 438 OF 2021 PETITIONER: JAYAKUMAR B
KURUP, AGED 54 YEARS, S/O. THE LATE BHASKARA KURUP,
JAYABHAVAN, ERESHA SOUTH, CHETTIKULANGARA P.O,
MAVELIKKARA, ALAPPUZHA DISTRICT, PIN - 690106. BY
ADVS.C.S.MANU, C.A.ANUPAMAN, DILU JOSEPH T.B.SIVAPRASAD,
C.Y.VIJAY KUMAR, MANJU E.R., MIDHUN M.SURESH, ANANDHU
SATHEESH ALINT JOSEPH, PAUL JOSE RESPONDENTS: 1 THE
JOINT DIRECTOR OF ENFORCEMENT KOCHI ZONAL OFFICE,
KANOOS CASTLE, MULLASSERY CANAL ROAD WEST,

ERNAKULAM P.O, ERNAKULAM DISTRICT, PIN - 682011. 2 THE DEPUTY DIRECTOR OF ENFORCEMENT KOCHI ZONAL OFFICE, KANOOS CASTLE, MULLASSERY CANAL ROAD WEST, ERNAKULAM P.O, ERNAKULAM DISTRICT, PIN - 682011. BY MANU S., SRI.JAISHANKAR V.NAIR, CGC SMT. REKHA S. SR. PP THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 03.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

JUDGMENT

Dated this the 3rd day of February, 2023 This writ petition has been filed to give a direction to the respondents to complete the investigation in Crime ECIR No.KCZO/10/2020 dated 11.3.2020 on the file of the Enforcement Directorate, Kochi within a time frame.

2. The petitioner is a member and depositor of

Mavelikkara Taluk Co-operative Bank Limited No.707, Thazakkara Branch. A crime was registered by the Mavelikkara Police as Crime No. 134/2017 against the accused persons alleging offences punishable under Sections 406, 408, 409, 417, 420, 465, 468, 120B, 471 read with Section 34 of the IPC and Section 65 of the IT Act. Thereafter, the investigation was handed over to CBCID and the crime was re-numbered as Crime No.58/CR/EOW/1/KLM/2017 incorporating Section 94(8) of the Kerala Co-operative Societies Act and Sections 13(1)(d) read with 13(2) of the Prevention of Corruption Act in view of the fact that certain public servants are also involved in the case. The investigation in the said crime is going on. -:3:-

3. In the meanwhile, ECIR No.KCZO/10/2020 was

registered by the Enforcement Directorate on 11.3.2020 since the offences involved in the above crime were scheduled offences. The grievance of the petitioner is that the investigation in ECIR No.KCZO/10/2020 is going on in a slow pace.

4. In the statement submitted by the investigating officer, it is stated that the investigation is in progress.

5. Having heard the learned counsel for the petitioner as

well as the learned Public Prosecutor, I am of the view that this writ petition can be disposed of with a direction to the investigating officer to complete the investigation as expeditiously as possible, at any rate, within nine months from the date of receipt of a copy of this judgment. Ordered accordingly. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp -:4:- APPENDIX OF WP(CRL.) 438/2021 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE ENQUIRY REPORT

SUBMITTED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), MAVELIKKARA UNDER SECTION 68(1) OF THE KERALA CO-OPERATIVE SOCIETIES ACT, 1969 BEFORE THE JOINT REGISTRAR OF CO- OPERATIVE SOCIETIES, ALAPPUZHA. Exhibit P2 TRUE COPY OF THE FIR REGISTERED AS CRIME NO. 134 OF 2017 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT. Exhibit P3 TRUE COPY OF THE REPORT DATED 26.07.2018 SUBMITTED BY DEPUTY SUPERINTENDENT OF POLICE, CRIME BRANCH, CID, ECONOMIC OFFENCES WING - I, PATHANAMTHITTA BEFORE THE ENQUIRY COMMISSION AND SPECIAL JUDGE (VIGILANCE) KOTTAYAM.

Exhibit P4 TRUE COPY OF THE COMPLAINT DATED 14.12.2019 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT. Exhibit P4(a) TRUE COPY OF THE POSTAL RECEIPT DATED 16.12.2019 FOR HAVING SENT EXT.P4 BY THE PETITIONERS TO THE RESPONDENT. Exhibit P5 TRUE COPY OF THE PETITION DATED 23.1.2021 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH THE DOCUMENTS. -:5:- Exhibit P6 TRUE COPY OF THE STATEMENT DATED 4.10.2021 FILED BY THE 1ST RESPONDENT IN WP(C) NO. 35392 OF 2019.

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