

Murali vs State of Kerala

Murali vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1394356

Court : Kerala Orders

Decided On : Jan-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/7389/2022

Appellant : Murali

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944 CRL.MC
NO. 7389 OF 2022 AGAINST THE ORDER IN C.M.P. NO.781/2022 OF CHIEF
JUDICIAL MAGISTRATE ,THRISSUR PETITIONERS/ACCUSED: 1 MURALI
AGED 50 YEARS S/O SHANKARU, KIZHAKKEN HOUSE, NATTIKA DESOM,
NATTIKA VILLAGE, THRISSUR, PIN - 680566 2 AKSHAY MURALI AGED 22
YEARS S/O MURALI, KIZHAKKEN HOUSE, NATTIKA DESOM NATTIKA
VILLAGE, THRISSUR, PIN - 680566 BY ADVS. ARUN KUMAR.P
THIYYANNOOR RAMAKRISHNAN AMBIKA RADHAKRISHNAN SAJIN S. DAS
RESPONDENTS/STATE/COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA,

COCHIN, PIN - 682031 2 INSPECTOR STATION HOUSE OFFICER TOWN EAST POLICE STATION, THRISSUR , REPRESENTED BY PUBLIC PROSECUTOR , HIGH COURT OF KERALA, COCHIN, PIN - 682031 3 HARIDAS MANI AGED 64 YEARS S/O LATE T .V. SIVARAMAN RESIDING AT THOPPIL HOUSE THRIPAKULAM LANE EAST FORT THRISSUR- 680005. BY ADV SRI.VIPIN NARAYAN PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== Dated this the 30th day of January, 2023

ORDER

Petitioners are the accused in Crime No.781/2022. The said crime was investigated and a final report was filed, which was taken cognizance as C.C.No.109/2017 on the files of the Chief Judicial Magistrate Court, Thrissur. Later, the Investigating Officer filed an application through the learned Public Prosecutor, seeking permission to conduct further investigation. As per Annexure 1 order, permission was granted to conduct the further investigation. Petitioners as accused, are challenging Annexure 1 order.

2. I have heard Sri. Arun Kumar P, the learned counsel for the petitioners as well as Sri. Vipin Narayan, the learned Public Prosecutor.

3. It is settled law that an accused has no right to question the

conduct of further investigation by the Investigating Officer. Even though strictly speaking, a permission is not required to conduct further investigation still, the Investigating Officer had fairly approached the trial court and obtained an order permitting further investigation. The learned Chief Judicial Magistrate in the impugned order, had recorded his satisfaction also that, further investigation is required in the peculiar circumstances of the case.

4. Petitioners are already charge-sheeted and the case is

pending against them. No prejudice would be caused on account of further investigation. However, since final report has already been filed, it is essential in the interest of justice being that further investigation be carried out with all earnestness and be completed without further delay.

5. Since no justifiable grounds are made out to interfere with

Annexure 1 order and there is nothing on record to justify the apprehension of petitioners that investigation will not be completed in a time bound manner, I find no merit in this petition under Section 482 of Cr.P.C.. In view of the above, this Crl.M.C. is dismissed. Sd/- BECHU KURIAN THOMAS JUDGE jka/30.01.23
APPENDIX OF CRL.M.C. No.7389/2022 PETITIONERS ANNEXURES Annexure - 1 CERTIFIED COPY OF THE ORDER IN CMP NO. MAGISTRATE COURT, THRISSUR Annexure -2 TRUE COPY OF THE FIR IN CRIME NO. POLICE STATION, THRISSUR Annexure -3 TRUE COPY OF THE FINAL REPORT DATED 04- 04-2017 IN CC NO. 109/2017 ON THE FILE OF CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR Annexure-4 CERTIFIED COPY OF THE APPLICATION BY THE

SHO TOWN EAST POLICE STATION, THRISSUR DATED 28-02-2022 BEFORE THE CHIEF JUDICIAL MAGISTRATE, THRISSUR

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