

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH

THURSDAY, THE 31ST DAY OF MAY 2012/10TH JYAISHTA 1934

RP.NO. 783 OF 2011

(AGAINST WPC.5393/2011 DATED 05-04-2011)

REVIEW PETITIONER/3RD PARTY:

C.H. SUBAIR, S/O. K.P. ABDUL RAHIMAN,
AGED 46 YEARS, RESIDING AT KAMMADATH
HOUSE, PARAPPA P.O., HOSDURG TALUK,
KASARGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS/PETITIONERS & RESPONDENTS:

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1. C.H. ABDUL RAZAK, AGED 55 YEARS,
S/O.ABDUL RAHIMAN, KAMMADATH HOUSE,
PEROLE, NEELESWAR P.O.,
KASARGOD DISTRICT, PIN 671 314.
 2. C.H. ABDUL AZEEZ, AGED 55 YEARS,
S/O.ABDUL RAHIMAN, KAMMADATH HOUSE,
PEROLE, NEELESWAR P.O.,
KASARGOD DISTRICT, PIN 671 314.
 3. DR. C.H. MUHAMMED, AGED 49 YEARS,
S/O.ABDUL RAHIMAN, KAMMADATH HOUSE,
PEROLE, NEELESWAR P.O.,
KASARGOD DISTRICT, PIN 671 314.
 4. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF LAW,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001.
 5. THE SUPERINTENDENT OF POLICE,
KASARGOD DISTRICT, PIN 671 121.
 6. THE CIRCLE INSPECTOR OF POLICE,
KANHANGAD P.O., PIN 671 101.

7. THE SUB INSPECTOR OF POLICE,
VELLARIKUNDU POLICE STATION,
VELLARIKUNDU P.O., PIN 671 125.
8. A.J. MATHEW, ASSISTANT SUB INSPECTOR OF POLICE,
VELLARIKUNDU POLICE STATION, VELLARIKUNDU P.O.,
PIN 671 121.
9. ABDUL AZEEZ, POLICE CONSTABLE, VELLARIKUNDU
POLICE STATION, VELLARIKUNDU P.O.,
PIN 67 121.

BY ADV. SMT.DAISY A.PHILIPOSE

BY ADV. SRI.JAI GEORGE

BY GOVERNMENT PLEADER SMT. LILLY LESLIE (R4 TO R9)

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31.05.2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOMAS P. JOSEPH, J.

R.P.No.783 of 2011
in
W.P.(C) No.5393 of 2011

Dated this the 31st day of May, 2012.

ORDER

This petition for review is filed by a third party to the case in respect of which judgment was pronounced.

2. Respondents 1 to 3 filed the writ petition seeking re/further investigation of Crime No.307 of 2010 of Vellarikundu Police Station. It was averred that in Crime No.306 of 2010 which is a connected case, re/further investigation has already been ordered. Taking that also into account, this Court directed that the Officer entrusted with the responsibility to conduct further investigation of Crime No.306 of 2010 shall conduct the further investigation of Crime No.307 of 2010 as well referring to the grievance of respondents 1 to 3.

3. It is pointed out by the learned counsel for petitioner (who obtained leave of the court to file this review petition) that there is no such re/further investigation ordered in Crime No.306 of 2010. Hence the request for review.

4. Learned counsel for respondents 1 to 3 submitted that it was on the information received that a submission was made that re/further investigation is ordered in Crime No.306 of 2010 and hence a similar request was made in the matter of Crime No.307 of 2010 as well. It is pointed out by the learned counsel that petitioner is not an accused either in Crime No.306 of 2010 or 307 of 2010 nor, an aggrieved party in the said cases.

5. In response learned counsel for petitioner submits that there are some allegations made against the petitioner in Crime No.307 of 2010.

6. I have heard learned Public Prosecutor also.

7. Since petitioner is neither a defacto complainant nor an accused in any of the crime cases referred above, I am not inclined to think that I must review the judgment in the writ petition at the instance of petitioner merely for the reason that some allegations are (allegedly) made against the petitioner as well.

8. Learned counsel for respondents 1 to 3 in fairness submits that respondents 1 to 3 or any of them will file an application for review if the judgment in the writ petition was passed on the basis of any factual error brought to the notice of this Court. That submission is recorded.

Resultantly this review petition is dismissed.

THOMAS P.JOSEPH,
Judge.

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