

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 31ST DAY OF JULY 2018 / 9TH SRAVANA, 1940

WP(C).No. 14592 of 2018

PETITIONER(S):

**MAHAMOOD.M,
S/O.UMMER, AGED 26 YEARS, MERADAN HOUSE, SIDDIQUE NAGAR,
IRIKKUR.P.O, IRIKKUR AMSOM, KANNUR DISTRICT-670593.**

**BY ADVS.SRI.V.T.MADHAVANUNNI
SRI.V.A.SATHEESH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE HOME
SECRETARY, THIRUVANANTHAPURAM-695001.**
- 2. STATION HOUSE OFFICER,
IRIKKUR POLICE STATION, IRIKKUR.P.O,
KANNUR DISTRICT-670593.**
- 3. CENTRAL BUREAU OF INVESTIGATION,
NEW DELHI-110001, REPRESENTED BY ITS DIRECTOR.**

**R1&2 BY SENIOR PUBLIC PROSECUTOR: SRI P.NARAYANAN
R3 BY SRI. SASTHAMANGALAM S. AJITHKUMAR, SPL.P.P. FOR C.B.I.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19.07.2018, THE COURT
ON 31.07.2018 DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE FIR IN CRIME NO.372/2016 OF IRIKKUR POLICE STATION

EXHIBIT P2 TRUE COPY OF THE DEATH CERTIFICATE OF KUNHAMINA.M.ISSUED BY THE REGISTRAR OF BIRTHSAND DEATHS, IRIKKUR GRAMA PANCHAYATH.

RESPONDENTS EXHIBITS:NIL

True Copy / P A to Judge

SUNIL THOMAS, J.

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W.P(C).No.14592 of 2018

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Dated this the 31st day of July, 2018

JUDGMENT

Petitioner herein seeks an entrustment of the investigation in Crime No.372 of 2016 of Irikkur Police Station for offences punishable under sections 397 and 302 of the Indian Penal Code with the Central Bureau of Investigation.

2. The mother of the petitioner herein was found dead with bleeding stab injuries on 30.04.2016, at a building attached to her house. Crime was registered. It was reported that a group consisting of a male and two females, who had been living in one of the rented buildings of the deceased had vacated the building on that morning. Pursuant to the registration of the crime, investigation progressed. Contending that the investigation is not effective and that, since the accused belonged outside the State, only CBI can effectively investigate the case, petitioner herein has approached this Court.

3. A detailed statement was filed by the SHO of Mattannur police station. Heard the learned counsel for the petitioner, learned Public Prosecutor and the learned counsel for the CBI.

4. The mother of the petitioner herein was found dead with 17 injuries on her body. Immediate investigation led to three persons who had vacated the rented building on that day morning. It was reported that, they belonged to Karnataka and on that day morning, they were dropped by an autorikshaw driver at the bus stop. It was revealed that, they did not interact with the neighbours. Only the name of one of them was known to the neighbours. With this clue alone, the police started investigation. The detailed statement submitted by the SHO shows that, investigation officer could gather the details of their travel and could procure the CCTV footages at few places. Further investigation led to Karnataka, wherein, they had stayed for some time. It seems that, they were involved in yet another crime registered in Andhra Pradesh. The finger prints of the accused in that case completely tally with the finger prints found in the scene of occurrence in the present case. It is also seen that the investigation thereafter proceeded to various places in different States and the places where they have stayed on various occasions and the persons with whom they have been interacting have been located and interrogated.

5. It seems that the investigation has spread to about 7 States and the police team, which included a special investigation

team of the Crime Squad of the District Police Chief, had conducted extensive investigation. They have gone to various States, covered the places, where the suspects had stayed on different dates and questioned the persons with whom they had interacted. It is revealed that the suspects used to move from one place to another. They used to stay in rented houses and lodges for a brief period and thereafter, shifted to another place. However, the investigation has gathered the CCTV footages, CDR details and finger prints. Look out notices have been issued in different States. It is also reported that, suspects are well conversant with various languages and since they shift from one place to another place frequently, they could not be apprehended.

6. The detailed statement filed by the investigating officer along with the case diary indicates that the investigation is progressing in a scientific manner and seems to be very effectively and efficiently conducted. It seems that, accused could not be arrested only because of the peculiar nature of their movement. The only step that remains is to track them down and nabbing them. Having regard to these facts, I do not feel that, entrustment of the investigation to another agency may be worthwhile and possibility of it further delaying the investigation cannot also be completely

ruled out. Having considered this, at present, I am not inclined to allow the relief sought by the petitioner herein.

Accordingly, writ petition is closed reserving the right of the petitioner herein to move this Court seeking appropriate reliefs at a later stage, if it is so felt.

Sd/-

SUNIL THOMAS
Judge

Sbna/

True Copy / P A to Judge