



2024:KER:74648

WP(CRL.) NO. 909 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 23RD DAY OF SEPTEMBER 2024 / 1ST ASWINA, 1946

WP(CRL.) NO. 909 OF 2024

CRIME NO.441/2023 OF KOLLAM WEST POLICE STATION, KOLLAM

PETITIONER/S:

ADV. DHEERAJ RAVI
AGED 48 YEARS
S/O THOPPIL RAVI, GOURI SHIVAM,
TRA 43B, THEVALLY P.O,
KOLLAM, PIN - 691 009.
BY ADVS.
NISHA GEORGE
A.L.NAVANEETH KRISHNAN
NAMITA PHILSON
GEORGE POONTHOTTAM (SR.)

RESPONDENT/S:

- 1 STATE POLICE CHIEF
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695 010.
 - 2 ADDITIONAL DIRECTOR GENERAL OF POLICE, (CRIME BRANCH)
POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN - 695 010.
 - 3 THE COMMISSIONER OF POLICE
KOLLAM CITY, KOLLAM CITY POLICE, KOLLAM, PIN - 691 001
 - 4 STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION, KOLLAM DISTRICT-691 013
- SMT. SREEJA V (PP)

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
23.09.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



BECHU KURIAN THOMAS, J

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W.P.(Crl.) No.909 of 2024

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Dated this the 23rd day of September, 2024

JUDGMENT

Petitioner seeks for a direction to respondents 1 to 3 to constitute a Special Investigation Team to investigate into Crime No.441/2023 of Kollam West Police Station. Relief is also sought to remove the fourth respondent from the charge of investigation into the said crime.

2. Petitioner is an Advocate practising at Kollam and is also a member of the Kollam Bar Association. He alleges inaction on the part of the fourth respondent in conducting investigation into a theft that allegedly took place at his residence. According to the petitioner, despite various complaints, respondents 1 to 3 have not acted, since persons affiliated to the ruling party in Government have an apparent connection with the crime.

3. Petitioner alleges that during the night of 28.04.2023, while the petitioner and his family members had gone out, a theft took place in his house and around 27 sovereigns of gold were stolen. Despite



intimating the crime to the police, no effective steps were taken to gather the evidence or conduct investigation. Instead the police expressed their disinterestedness in conducting a proper investigation. Petitioner alleges that he is a former President of the Bar Association of Kollam and when one of the members was manhandled by a Circle Inspector of Police, he was in the forefront of the protest. Petitioner alleges that the protest by the Bar Association with him in the forefront, created a vendatta for some of the police officers as a result, an effective investigation is not being conducted into the crime. Petitioner also points out other instances where the police had remained inactive to investigate into crimes pointed out by the members of the Bar Association. He alleges that an affiliated organisation of the ruling party in Government has a significant role in the crime alleged by the petitioner and for such a reason also the police is remaining inactive.

4. A statement has been filed on behalf of the fourth respondent alleging that, though theft was committed at the residence of the petitioner, on the basis of his complaint, a Special Investigation Team itself was constituted with the fourth respondent and five other police personnel as part of the team and though fingerprints were taken from the scene of



the crime, they have not been able to make any breakthrough. It is also stated that the investigation is being carried on the basis of available material and scientific evidence is also being pursued. It was asserted that the investigation was being conducted without any external interference and that various aspects of the case were being earnestly probed into.

5. I have heard Sri. Navaneeth Krishnan and Namitha Philson, the learned counsel for the petitioner and Smt.Sreeja V. the learned Public Prosecutor.
6. Petitioner is a member of the legal profession. He has been allegedly in the forefront of protests in relation to disputes between Advocates and Police. He apprehends that proper investigation will not be conducted by the fourth respondent. Though the Assistant Commissioner of Police had constituted a Special Investigation Team based on the complaint of the petitioner, still the fourth respondent has been put in charge. Concededly no breakthrough has been made despite the lapse of almost five months. Large amounts of gold are purported to have been stolen. Delay can certainly defeat the cause of justice. Considering the nature of allegations raised against the present investigation and also bearing in



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mind that no breakthrough has been made till now, I am of the view that the investigation ought to be transferred to the Crime Branch in the interest of justice.

7. In the result, there will be a direction to the District Police Chief, Kollam to issue appropriate orders transferring the investigation of Crime No.441/2023 of Kollam West Police Station, to the District Crime Branch, Kollam, with supervisory powers over the said investigation to the Assistant Commissioner of Police, Kollam. Appropriate orders in that regard shall be issued by the third respondent without undue delay.

Writ petition is disposed of as above.

sd/-
BECHU KURIAN THOMAS
JUDGE

AMV/26/09/2024

APPENDIX OF WP(CRL.) 909/2024**PETITIONER EXHIBITS**

- EXHIBIT -P1** TRUE COPY OF THE FIR NO. 441/2023 DATED 29.04.2023 IN KOLLAM WEST POLICE STATION
- EXHIBIT -P2** TRUE COPY OF THE PETITION DATED 15.03.2023 FILED BY THE DEFACTO COMPLAINANT BEFORE THE JFCM-II, KOLLAM
- EXHIBIT -P3** TRUE COPY OF THE INTERIM ORDER DATED 10-08-2023 IN WP(CRL) NO. 518/23 PASSED BY THIS HON'BLE COURT
- EXHIBIT -P4** TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED IN KERALA KAUMUDI NEWSPAPER DATED 28.04.2023
- EXHIBIT -P5** TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED IN MALAYALAM MANORAMA DAILY DATED 25.05.2023
- EXHIBIT -P6** TRUE COPY OF THE FINAL REPORT IN CRIME NO. 25/2023 DATED 26.02.2023
- EXHIBIT -P7** TRUE COPY OF THE ORDER DATED 20.07.2022 IN CRL.M.C.NO. 1395/2022 AND CONNECTED CASE IN CRIME NO. 649/2022 OF KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT
- EXHIBIT -P8** TRUE COPY OF THE FIR IN CRIME NO. 457/23 DATED 29.03.2023 OF KOLLAM WEST POLICE STATION
- EXHIBIT -P9** TRUE COPY OF THE FIR IN CRIME NO. 1108/2023 DATED 24.07.2023 OF KOLLAM WEST POLICE STATION
- EXHIBIT -P10** TRUE COPY OF THE EMAIL COMMUNICATIONS FROM THE PETITIONER SENT TO THE DIRECTOR GENERAL OF POLICE, DATED 25.06.2023
- EXHIBIT -P10(A)** TRUE COPY OF THE EMAIL COMMUNICATIONS FROM THE PETITIONER SENT TO THE DIRECTOR GENERAL OF POLICE, DATED 13.07.2023.



- EXHIBIT-P11** TRUE COPY OF THE EMAIL COMMUNICATION SENT BY THE PETITIONER TO THE DIG OF POLICE, DATED 18.07.2023
- EXHIBIT -P12** TRUE COPY OF THE EMAIL COMMUNICATIONS SENT BY THE PETITIONER TO THE COMMISSIONER OF POLICE, KOLLAM CITY, DATED 07.07.2023
- EXHIBIT-P13** TRUE COPY OF THE PETITION NO. KBA/09/008/POLICE FILED BY THE PRESIDENT OF THE KOLLAM BAR ASSOCIATION DATED 24.11.2023 BEFORE THE STATE POLICE CHIEF
- EXHIBIT-P14** TRUE COPY OF THE REPLY BY THE STATION HOUSE OFFICER, KOLLAM WEST POLICE STATION DATED 19.06.2024 TO THE PRESIDENT OF THE KOLLAM BAR ASSOCIATION
- EXHIBIT-P15** TRUE COPY OF THE SCREENSHOT OF THE TEXT MESSAGE RECEIVED ON 09.08.2024 FROM THE POLICE DEPARTMENT