

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Tuesday, the 8th day of October 2024 / 16th Aswina, 1946
WP(CRL.) NO. 1042 OF 2024(S)

PETITIONER:

ADV.M.BAIJU NOEL, AGED 45 YEARS, S/O M.BIPIN DAS,
LAWYER BY PROFESSION, RESIDING AT ROSARIO CHAMBER,
FIRST FLOOR, NEDUMPILLY APARTMENT, KALATHIL LANE,
ST. BENADICT ROAD, ERNAKULAM, PIN - 682 018.

RESPONDENTS:

1. ADDITIONAL CHIEF SECRETATRY (HOME & VIGILANCE), SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. STATE POLICE CHIEF, STATE POLICE HEAD QUARTERS, VAZHUTHACZDU, THIRUVANANTHAPURAM, PIN - 695 010.
3. THE SUPERINTENDENT, CENTRAL BUREAU OF INVESTIGATION, KATHRIKADAVU, KALLOOR, KOCHI, PIN - 682 017.
4. THE DIRECTOR, CENTRAL BUREAU OF INVESTIGATION, 6TH FLOOR, LODHI ROAD, PLOT NO.58, JAWAHARLAL NEHRU STADIUM MARG, CGO COMPLEX, NEW DELHI, PIN - 110 003.
5. STATION HOUSE OFFICER, KEEZHVAIPUR POLICE STATION, POST KEEZHVAIPUR, PATHANAMTHITTA DISTRICT, PIN - 689 587.

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to issue an interim order to setting aside the defective Exhibit P-5 Final Report, Exhibit-P10 order and directing the 5th respondent to keep the entire file, including digital evidence and Material Objects, if any relating to the FIR No.600/2022 of Keezhvaipur Police Station in safe custody.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(Crl.) and upon hearing the arguments of SRI.M.BAIJU NOEL (Party-In-Person) for the petitioner, SRI.T.A.SHAJI, DIRECTOR GENERAL OF PROSECUTION, SRI.P.NARAYANAN, ADDITIONAL PUBLIC PROSECUTOR & SRI.SAJJU.S., SENIOR PUBLIC PROSECUTOR for R1, R2 & R5 and of SRI.SREELAL WARRIAR, RETAINER COUNSEL for R3 & R4, the court passed the following:

P.T.O.

ORDER

Notice before admission.

Learned Public Prosecutor takes notice for respondents 1, 2 and 5. The learned Director General of Prosecution, Sri.T.A.Shaji objected to the maintainability of this writ petition itself and pointed out the existence of an alternative remedy in the form of a revision.

Petitioner, who appeared as party in person, seeks time to address the court on the maintainability of this petition. In the meantime, the case Diary shall be produced for perusal of the Court by the next posting date.

Post on 23/10/2024.



Sd/- BECHU KURIAN THOMAS JUDGE

APPENDIX OF WP(CRL.) 1042/2024

Exhibit P5

TRUE COPY OF THE FINAL REPORT DATED. 5-12-2022 FILED BEFORE THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE NO.1, THIRUVALLA.

Exhibit P10

TRUE COPY OF THE ORDER OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1 THIRUVALLA AS CRL.MP.NO.617/2023 DATED 15.05.2023.

