

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE 1st CLASS, RANNI

Present: Sri. A Sameer, B.Sc LL.M,
Judicial Magistrate of the 1st Class

Thursday, the 29th day of September 2016/7th Aswina 1938(S.E)

Crl.MP 8947/16
in
CC 179/14

Petitioner: Sunitha Mathew,
Charivuparampil house,
Uthimoodu, Ranni Village

(By Adv. Sri. Navin M Easow)

Counter petitioner: State represented by the SHO, Ranni
Police Station.

(By APP , Ranni)

Order: Petition is allowed

This petition having been finally heard on 29-9-16, the court on the same day delivered the following:

ORDER

This is an application filed by CW1 Sunitha Mathew in CC 179/14 pending trial before this court seeking further investigation in this case u/s 173(8) Cr.PC.

The petition averments are as follows: The accused has offered to arrange admission for B.Sc Nursing correspondence course for Sunitha Mathew and obtained ₹ 85,000/- from her after receiving her certificates. But the accused has not arranged the admission but cheated her. The police has not conducted proper investigation of the case and without obtaining the documents related to the transaction in this case filed final report in this case. The applicant has given amounts to the accused through bank on

5-7-13 and 11-7-13. But the said area has not investigated by the investigating officer. If the trial is conducting without collecting the evidence related to the transaction between the accused and CW1 , the case will not be concluded in a fair trial. Hence she seeks further investigation int his case.

I have heard the learned APP also and perused the records filed u/s 173(2) Cr.P.C by the investigating officer. I am satisfied that the investigating officer has not collected the evidence related to the transaction between the accused and CW1 in any circumstance. Though it has been stated in the charge that there was transaction between the accused and CW1 no evidence has been collected by the investigating officer relating to the bank accounts of the accused and CW1 and also the transaction between them. In these circumstance I am satisfied that there are certain gray areas of investigation which has to be investigated for the purpose of fair trial in this case. Hence the petition is allowed and I direct the SHO, Ranni to conduct a further investigation this case u/s 173(8)Cr.PC and file a report as expeditiously as possible. Serve a copy of the application submitted by CW1 before the court to the SHO along with this order.

Pronounced by me on this the 29th day of September 2016.

Sd/-
Judicial Magistrate of the 1st Class,
Ranni

true copy

Judicial Magistrate of the 1st Class,
Ranni