

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. K.K.Balakrishnan, Sessions Judge

Monday, 15th day of June, 2026/25th Jyaishta, 1948

Crl.MP No.03/2026 in S C No 1068/2018

(Crime No 1547/2018 of Ernakulam Central Police Station)

**Petitioner/
1st Accused :**

Muhammed J I, aged 21/18 years, S/o. Ibrahim,
Javadh Manzil, Vaduthala, Naduvath Nagar P O,
Near Abran Arabic College, Arukutty Village,
Cherthala Taluk, Alappuzha.

By Advs. E A Harris & Wakarulislam K S.

**Respondent/
Complainant:**

State of Kerala represented by Special Public
Prosecutor.

By Special Public Prosecutor Sri. G Mohanraj

This petition filed by the counsel on behalf of the accused No 1 to call for the final report of remaining accused persons.

This petition coming on for hearing on 06.06.2026 and the Court on 15.06.2026 passed the following:

ORDER

This petition is filed on behalf of Accused No.1 seeking a direction to the Investigating Officer to submit a final report after completing the investigation against the persons who have not yet been charge-sheeted in the case.

2. The petitioner contend that the final report against him and other accused filed on 25.09.2018 alleges that the offences were committed pursuant to a larger criminal conspiracy that commenced in December 2017. Though the offence under Section 120B IPC was incorporated and the final report specifically refers to a general conspiracy, no proper investigation has been conducted regarding the conspiracy aspect. It is further submitted that the final report itself states that investigation against the accused who allegedly harboured the offenders and the remaining absconding accused is continuing. Investigation against accused Nos.17 to 32 has not yet been completed and no final report has been filed against them. Since there are specific allegations regarding conspiracy and harbouring offenders, the Investigating Officer is bound to complete the further investigation and file the final report before commencement of trial. Two accused who were not charge-sheeted approached the Hon'ble High Court seeking expeditious completion of the investigation, and the prosecution assured the Court that the investigation was continuing. The Hon'ble High Court, in WP(Crl.) No.498/2025, by order dated 05.06.25, directed the Investigating Officer to expedite the investigation. However, despite such direction, no final report has been filed against the remaining accused. The allegations against the remaining accused relating to conspiracy and harbouring offenders are vital to

the prosecution case, and proceeding with the trial on the basis of an incomplete and piecemeal final report would seriously prejudice the right to a fair trial. Hence, petitioner sought direction to the investigating officer to complete the investigation and file a complete final report.

3. Opposing the petition, objection was filed by the learned Special Public Prosecutor contending that there is no provision in Cr.PC or in any other law enabling the petitioners to the relief sought in the petition. The relief seeking filing of final report against accused Nos.17 to 32 is not maintainable, especially since they are not parties to the petition. Investigation against other accused is legally permissible and does not render the final report already filed incomplete or invalid. Once the investigation of an offence is complete, the allegation that the final report is defective and piece meal is untenable. The order of the Hon'ble High Court in WPC 498/2025 is independent of the present proceedings and does not indicate any prejudice to the petitioner. The purpose of the petition is to protract the trial and filed this petition with out any legitimate cause. The allegations regarding defect or illegality in the final report are baseless and the petition is liable to be dismissed.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The point that arises for consideration is whether the petitioner who was charge-sheeted accused in the case, is entitled to seek a direction to the Investigating Officer to complete the investigation against other remaining accused and file a final report before the commencement or continuation of the trial?

6. **Answer to the point :** The learned counsel for the petitioner repeatedly argued that further investigation under Section 173(8) of CrPC is going on and petitioner has right to seek direction to the investigating officer to complete investigation and file final report. The final report already submitted against the petitionoener is incomplete and unfit for conducting trial. To support this argument the learned counsel relied the direction of the Honble High Court in WPC 498/2025 and argued that Honble High Court directed the investigating officer to file final report in the case. So the argument is that it is the right of the petitioner to seek direction to investigating officer to complete the investigation and file final report against the remaining accused.

7. In reply, the learned Special Public Prosecutor submitted that the entire argument advanced by the petitioner proceeds on an erroneous assumption that an accused has a legal right to compel the Investigating Officer to complete further investigation and file a final report against persons

who have not yet been charge-sheeted. It was contended that no such right is recognized either under the Code of Criminal Procedure or under any other law. The learned Prosecutor argued that the final report already filed against the charge-sheeted accused is a valid report under law and the pendency of further investigation against other accused does not render the report incomplete, defective or incapable of being proceeded with. It was submitted that investigation is a matter within the domain of the investigating agency and the Court cannot, at the instance of an accused, compel the Investigating Officer to complete the investigation against other persons or insist upon the filing of a final report against them before commencement of trial. The learned Public Prosecutor further submitted that the offences alleged against the petitioners are distinct and that sufficient materials have already been collected and incorporated in the final report filed. Therefore, there is no legal impediment in proceeding with the trial against the charge-sheeted accused. The petition is devoid of merit, that the allegations regarding the incompleteness or invalidity of the final report are wholly baseless, and that the petition has been filed only with a view to delaying the trial. The learned Special Public Prosecutor therefore argued dismiss the petition.

8. The principal relief sought by the petitioners is a direction to the Investigating Officer to complete the investigation against accused Nos.17 to

32 and to file a final report before proceeding with the trial against the petitioner against whom final report already filed. Investigation of a criminal case falls within the exclusive domain of the investigating officer. Once investigation relating to certain accused is completed and a final report is properly filed, the court is competent to take cognizance and proceed with the case in accordance with law. The mere fact that investigation is continuing against some other accused persons with respect other matters of the incident does not render the final report already filed incomplete.

9. The contention that the final report submitted in this case is a piecemeal report and, therefore, unfit for trial is also without substance. The offence alleged against the petitioners has already been investigated, a final report has been laid and finally committed to this court. Whether additional materials may emerge in the course of further investigation against other accused is a matter to be dealt with in accordance with law and cannot affect the maintainability of the proceedings already instituted against the charge-sheeted accused. Hon'ble High Court in W.P.(Crl.) No.498/2025 merely directed expeditious completion of the pending investigation and does not declare that the final report already filed is invalid, nor does it confer upon the petitioners any right to insist that the trial should await completion of the investigation against the remaining accused. That petition is filed by other

two accused against whom the investigation is going on. The said direction of Honble High Court operates independently and cannot be construed as a mandate to keep the present proceedings in abeyance.

10. The same counsel is appearing for A2, 4 to 12, 13 and 15. There was no argument from the learned counsel claiming discharge based on the materials produced by the prosecution along with the final report. The entire argument is for a direction, as above stated, to the investigating officer. The learned prosecutor reiterated that charge is to be framed and trial is to be conducted against the accused, who are charge-sheeted, as there are enough materials directly proving the offence stated in the final report committed by them.

11. The offences alleged in the final report against these accused are under Sections 143, 147, 341, 323, 324, 326, 307, 302, 506(ii), 201, 120(B) r/w 149 of IPC. The perusal of the records submitted along with the final report, I am satisfied that there are sufficient materials in the form of witness statements, documents and material objects to frame charge against A1 to A16 for the offences stated in the final report as strong prima facie case made out against them. Therefore, no ground is found to discharge any of these accused from the case and charge is to be framed for conducting trial for the offences stated in the final report.

So, the contentions advanced by the petitioner are wholly untenable and devoid of any legal foundation. Consequently, the petition is found to be devoid of any merit and is hereby dismissed.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 15th day of June, 2026).

Sd/-

K K Balakrishnan
Sessions Judge

Typed by: sm
Comp.by:

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S C No.1068/2018
Order dated: 15.06.2026