

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 27th February, 2009.

H.R.M.P.No.681/2009

- Petitioner : Balakrishnan, S/o Karunakaran nadar,
Plavoorkonath veetil,
Karakulam.P.O,
Thiruvananthapuram – 695 564.
- Respondents :1) S. Saju, Former S I of Police,
Nedumanagad, and presently working as
the C I of Police, Vigilance,
Thiruvananthapuram.
2) The Chief Secretary, Govt. Secreteriat,
Thiruvananthapuram.
3) The Principal Secretary, Home Dept,
Thiruvananthapuram.
4) The Director General of Police,
Police Head Quarters,
Thiruvananthapuram.
5) I.G. of Police, Zonal, Nandavanam,
Thiruvananthapuram.
6) D I G of Police, Do
7) Asst. I. G of Police, Police Headquarters,
Thiruvananthapuram.
8) Superintendent of Police (Rural),
Thiruvananthapuram.

ORDER

The petitioner has filed a petition complaining against Saju, former Sub Inspector of Police, Nedumanagad, who is presently working as Circle Inspector of Police, Vigilance (VACB-SR), Thiruvananthapuram making certain allegations and stating that he was falsely implicated.

A Member of this Commission after hearing the petitioner and Saju, S I of Police, closed the HRMP by his order dated 23-4-2007 holding that the matter is subjudiced.

Thereafter the petitioner filed a petition expressing his grievances against the orders passed by the Member. As orders were already passed by a Member on the subject matter and as no other Member or the Chairperson have any jurisdiction to consider the above Petition either by way of an appeal or by way of a revision and as the mater was also subjudiced at that time it was closed by an order dated 5-6-2007.

The present complaint of the petitioner in the above HRMP is that his stand that he was falsely implicated in the case is vindicated by the Judgement of the Court which found him not guilty and had also given the findings that the evidence let in by the prosecution is not trust worthy. The petitioner, therefore, requests that action must be initiated against Saju, the then S I of Police, Nedumanagad. It is his further complaint that though an enquiry was ordered by the Director General of Police (DGP), Thiruvananthapuram, no action was taken in the said enquiry and it was simply closed.

On going through the complaint and on the materials placed before me I feel that an enquiry is to be conducted against S.Saju, the then S I of Police, Nedumanagad, by a competent officer nominated by the Director General of Police, Thiruvananthapuram, who will give opportunity to the petitioner and Saju, the then S I of Police, Nedumanagad, to produce their evidence on their side and then pass orders according to law.

In the petition, since there is nothing to indicate that an appeal had been filed against the Judgement of the Magistrate, the above order is passed and if any appeal is filed against the Judgement it is made clear that the officer concerned cannot conduct enquiry, as the matter will become subjudice.

With the above direction the petition is closed. Send a copy of this order to the petitioner, S. Saju, S I of Police who is presently working as the C I of Police, Vigilance (VACB-SR), Thiruvananthapuram and the Director General of Police, Thiruvananthapuram.

Justice N.Dhinakar,
Chairperson

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