



GOVERNMENT OF KERALA

Abstract

Vigilance Department - Filing of appeal petition against the Order of the Hon'ble High Court dated 01.08.2023 in CRL MC Nos.882/2019 and 775/2020 - Sanctioned - Orders issued.

VIGILANCE (F) DEPARTMENT

G.O.(Rt)No.58/2024/VIG

Dated,Thiruvananthapuram,22-04-2024

Read 1 Order dated 01.08.2023 of the Hon'ble High Court of Kerala in Crl.MC Nos.882/2019 and 775 /2020.

2 Letter No. C1-(VC-2/2009/SRT) 6732/2009/DVACB dated 02.11.2023 from the Director, Vigilance and Anti corruption Bureau, Thiruvananthapuram.

ORDER

A Vigilance case numbered VC 02/2009/SRT was registered against Accused 1 to 5. Accused 1 to 4 are officials and Accused 5 is Private Person. The allegation is that the accused officials abused their official position committed criminal misconduct by giving sanction for construction in restricted area falling under Kovalam - Vizhinjam Area Development Scheme, approving the unauthorized construction, issuing Occupancy Certificate to incomplete structure and undervalued the building causing wrongful pecuniary loss to the civic body which attracts offences punishable u/s 13(1)(d)r/w13(2) of PC Act 1988.

(2) After completing investigation Vigilance and Anti corruption Bureau, Southern Range, Thiruvananthapuram filed final report before the Hon'ble Court of the Enquiry Commissioner and Special Judge, Thiruvananthapuram dropping further action against the accused persons. The Hon'ble Court of the Enquiry Commissioner and Special Judge, Thiruvananthapuram was not accepted the final report and ordered further investigation. Then, the Accused No.3 Sri.K.Rajagopal and the Accused No.5 Smt. Sheeja Harshakumar filed Crl.MC 775/2020 and Crl.MC 882/2019 respectively

before the Hon'ble High Court to quash the FIR in the vigilance case No. 02/2009/SRT and further proceedings against them.

(3) As per the Order read as 1st paper above, the Hon'ble High Court quashed the FIR and all further proceedings against the A3 and A5 in the vigilance case No. 02/2009/SRT. The Director, Vigilance and Anti corruption Bureau as per the letter read as 2nd paper above has forwarded a legal opinion in this regard to the Government.

(4) Government have examined the matter in detail and stand firm on the fact that quashing of FIRs at investigation stage is not proper and premature and thus, sanction is accorded for filing appeal petition against the Order of the Hon'ble High Court dated 01.08.2023 in CRL MCs No. 882 of 2019 and 775 of 2020, read as 1st paper above.

(5) The Advocate General, Ernakulam shall take urgent necessary steps in this regard. The Director, Vigilance & Anti Corruption Bureau, Thiruvananthapuram is hereby directed to furnish all necessary documents in this regard to the Advocate General, Ernakulam at the earliest.

(By order of the Governor)

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ADDITIONAL SECRETARY

To,

The Advocate General, Kerala, Ernakulam(with C/L)

The Director General of prosecution, Ernakulam

The Director, Vigilance and Anticorruption Bureau, Thiruvananthapuram.

Principal Director,LSGD (Vide LSGD/PD/1981/2023)

Local Self Govt (EU) Department (Vide No.EU1/184/2023/LSGD dated 21.09.2023)

The Information Officer, Web &New Media Division, I&PRD

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Forwarded /By order

Section Officer