

DEVAN RAMACHANDRAN, J.

WP(C) No.22942/2021

Dated this the 19th day of January, 2022

O R D E R

The learned Amicus Curiae - Sri.S.Rajeev, suggested that the Director of Vigilance and Anti Corruption Bureau (VACB) be brought on record as an additional respondent because, *prima facie*, going by the materials on record, the provisions of Section 7 of Prevention of Corruption Act is attracted. He submitted that since the Commissioner of Police, Kochi, has, in his Statement dated 01.12.2021, agreed to compensate the expenses incurred by the victim's family and since he has said that there is a Statement of the mother of the victim about the demand of Rs.5,00,000/- by the Assistant Sub Inspector of Police, it is necessary that an enquiry into this be conducted by the Department of Vigilance.

2. I must say that I find great force in the afore submissions and suggestions made by the learned Amicus Curiae; particularly because they are not opposed by Sri.P.Narayanan - learned Additional Public Prosecutor.

3. I, therefore, *suo motu* implead 'the Director of Vigilance and Anti Corruption Bureau, Vigilance Directorate, Thiruvananthapuram', as an additional respondent and I record that Sri.P.Narayanan - learned Additional Public Prosecutor, has taken notice on his behalf.

4. Sri.P.Narayanan - learned Additional Public Prosecutor, then added that if this Court is so inclined, the VACB can conduct a preliminary enquiry in terms of the judgment of the Hon'ble Supreme Court in ***P.Sirajuddin etc. Others V. State Of Madras and etc.*** [(1970) 1 SCC 595] and ***Lalita Kumari v. Government of Uttar Pradesh and Others*** [(2014) 2 SCC 1]. He

added that, after such an enquiry, this Court may issue appropriate orders, as found necessary.

5. Sri.T.Sanjay - learned counsel, who appears for the victims in this case, says that if a proper enquiry is conducted by the VACB or by any other competent Authority, the truth will certainly come out, particularly the harrowing nature of the incidents and experience, which his clients and their family had to go through. He added that a small indiscretion on the part of one of the victims has now virtually destroyed their family and that the scars of the same would remain with them for the rest of their lives. He, therefore, reiteratingly requested that necessary and exemplary action be taken against the erring Police Officers since, otherwise, such incidents would continue to happen without being even noticed in future.

6. I must say that I find appreciation with the afore submissions of Sri.T.Sanjay, because, as I have already said above, the resolve of this Court is to make the Police an honest, civilized, modern and accountable Force. It is only if the indiscretions of a few individuals in the force are taken note of and stringent action completed, will it serve as an example to others, leading to the force being a truly worthy one.

7. As long as the Police Officers even obliquely obtain the impression that they will be supported in spite of their misdemeanors, the eventual requirements of a strong policing and honest law enforcement would remain a *chimera*.

In the afore circumstances, I adjourn this case to be called on 11.02.2022; within which time, the VACB will cause a necessary preliminary enquiry into the various

allegations involved in this case - but not merely confined to the demand of bribe alone - and file a comprehensive report before this Court in a sealed cover for further orders.

Needless to say, if, after such an enquiry, the VACB is convinced that further action is required, it would not stop them from initiating such, notwithstanding the fact that this Court has not seen their report until 11.02.2022.

**Sd/-
DEVAN RAMACHANDRAN,
JUDGE**

RR/akv/19.01.2022

H/o