News

The Kerala High Court denies the request for a CBI investigation into the assault on ED agents.



The Court decided that the evidence presented to it did not initially suggest that the State police inquiry was unfair or prejudiced.

High Court of Kerala

On Friday, the Kerala High Court declined to ask the Central Bureau of Investigation (CBI) to conduct an investigation into the recent assault on Enforcement Directorate (ED) personnel

who had conducted a search at the home of former Chief Minister Pinarayi Vijayan **[Jojo Jose v. The Chief Secretary].**

Chief Justice Soumen Sen and Justice Syam Kumar VM's Division Bench noted that constitutional courts can only order a CBI investigation in rare and extraordinary circumstances where there is evidence that the investigation agency was acting biasedly or there was no chance of a fair investigation.

The Bench stated that the evidence presented to it in this case did not initially show that the State police inquiry was unfair or prejudiced.The evidence does not initially demonstrate that the Investigating Agency is behaving unethically or in violation of its obligations. The unprecedented authority to oversee a CBI inquiry must be used carefully and sparingly. Given the influence that State machinery is likely to have over the State Investigating Agency, the Court held that

such power should only be used in cooperative federalism when it is obvious that the State Investigating Agency is acting biased and that there is no chance of a fair investigation.

The Bench rendered a decision regarding a public interest litigation (PIL) plea that advocate Jojo Jose had filed, requesting that the CBI look into the occurrence.

Kerala High Court Chief Justice Soumen Sen and Justice Syam Kumar VM

After conducting a search at the former CM's home, where he and his daughter dwell, ED officials were attacked on May 27.

The search was conducted as part of the central agency's investigation into the CMRL case, which concerns accusations against Exalogic, an IT company controlled by Veena Thaikkandiyil, Vijayan's daughter.

Nearly 300 people reportedly encircled the officials' car and threw bricks and stones at them as they were leaving the area after the search was finished.

Additionally, it was claimed that the officials were attacked with sticks and rods.

On June 4, the Court ordered the Government Pleader to provide a report on the steps taken regarding the event, stating that it was too early to involve the CBI.

The State filed a thorough progress report alerting the Court that the Inspector Station House Officer of the Museum Police Station had taken up the investigation.

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The report also revealed that scene mahazars had been prepared, scientific and video graphic evidence was collected and 25 suspects identified and apprehended.
It was informed that statements of 44 witnesses had been recorded and that more evidence including forensic testing of confiscated mobile phones, call data records, fingerprints and other materials were being collected before publishing the final report.

The State further refuted claims of police inaction or intelligence failure.
The Court dismissed the petition after reviewing the status report and finding no evidence that the probe was unfair.
The petitioner was represented by attorney Radhakrishnan R.

The Enforcement Directorate was represented by standing attorney Jaisankar V. Nair.
CBI was represented by advocate Sreelal N. Warrier.
The Director General of Police was represented by C Rasheed, a special government pleader.
Under the direction of Central government counsel Amal Parthasaradhy, Additional Solicitor General P Sreekumar represented the Union government.

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