

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

SATURDAY, THE 20TH DAY OF DECEMBER 2014/29TH AGRAHAYANA, 1936

Crl.MC.No. 7300 of 2014 ()

Crl.MC 2973/2010 of HIGH COURT OF KERALA

PETITIONER/1ST ACCUSED:

**V.VIJAYAKUMAR, AGED 65 YEARS
S/O. APPU NAIR, 4/541, ANUGRAHA
PANAPANTHAI ROAD, PANGAL
INDUSTRIAL ESTATE P.O.
PUDUPARIYARAM, PALAKKAD.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS/STATE AND COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
THRISSUR - 680 001.**
- 2. SUB INSPECTOR OF POLICE
PERINTHALMANNA POLICE STATION
MALAPPURAM DISTRICT.**
- 3. CIRCLE INSPECTOR OF POLICE
CANTONMENT POLICE CIRCLE
THIRUVANANTHAPURAM - 695 001.**
- 4. MUHAMMED BABU
PARAMBOOR, S/O. MOHAMMED ALI PARAMBOOR
PARAMBOOR HOUSE, PATTIKKAD P.O., MALAPPURAM.**

BY PUBLIC PROSECUTOR SMT. S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-12-2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7300 of 2014 ()

APPENDIX

PETITIONER'S EXHIBITS

A1 - TRUE COPY OF THE ORDER MADE IN CRL.M.C NO. 2973/2010 DT. 29.09.10.

A2 - TRUE COPY OF THE JUDGMENT MADE IN WPC NO. 25775/2014 DT. 10.10.14.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No. 7300 of 2014

Dated this the 20th day of December, 2014

O R D E R

The petitioner's grievance is that the police arrested him yesterday (on 19.12.2014), in connection with a case which stands quashed by this Court on 29.09.2010. In view of the serious allegation that the arrest and custody is illegal, I directed the learned Public Prosecutor to get instructions over telephone regarding the circumstance of arrest. Now, it is submitted by the learned Public Prosecutor, on instructions, that the petitioner was of course arrested in execution of a warrant of arrest issued from the trial court in C.C.No.219/2002, but when he was produced in court, his counsel produced the order of this Court in Crl.M.C.No.2973/2010 quashing the prosecution, and in such circumstance he was released by the learned Magistrate. It is also submitted that the petitioner is in fact involved in two other crimes; one of the Hemambika Nagar Police Station as Crime No.602/2014, and the other of the Melattoor Police Station as Crime No.484/2014, and that both the crimes are now being

investigated by the CBCID. On coming to know of the petitioner's arrest, the Deputy Superintendent of Police, CBCID made an application for permission of the learned Magistrate for formal arrest, and accordingly, his arrest was recorded by the police as permitted by the learned Magistrate. In the above situation, this Crl.M.C. cannot proceed. In view of the petitioner's arrest in other crimes, he will have to pursue appropriate remedies possible under the law. There is reason to believe that the order of this Court in Crl.M.C.No.2973/2010 was not promptly produced before the court by the petitioner, and that is why, warrant of arrest happened to be issued against him. Nobody can be blamed, because the accused himself failed to produce the order in court.

In the above circumstances, this Crl.M.C. is closed without prejudice to the right of the petitioner to pursue appropriate relief as regards the crimes wherein he is arrested by the police.

Sd/-

P. UBAID, JUDGE

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