

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 374 of 2015

**CC 1983/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - III, PUNALUR
CRIME NO. 1558/2014 OF PATHANAPURAM POLICE STATION, KOLLAM**
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PETITIONER(S)/2ND ACCUSED:

**HASSAN KHANI, AGED 60 YEARS,
SALI HOUSE, ORIPPURAM COLONY, MANGODE VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, (CRIME
NO.1558/2014) PATHANAPURAM,
REPRESENTED THROUGH ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ISHA, AGED 27,
D/O.BASHEER, KALEELUVILA KIZHAKKETHIL, EDATHARA,
KALANJOOR CHERIYIL, PATHANAPURAM.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 374 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 : A TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE
2ND RESPONDENT AS C.M.P.NO.7617/2014 ON THE FILE OF THE
HON'BLE JUDICIAL FIRST CLASS MAGISTRATE-III, PUNALUR.**

**ANNEXURE A2 : A TRUE COPY OF THE FIR IN CRIME NO.1558/2014 OF
PATHANAPURAM POLICE STATION, PATHANAPURAM DT.14-10-2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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CRL.M.C. No.374 of 2015

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Dated this the 21st day of January, 2015

ORDER

Petitioner is the 2nd accused in C.C.No.1983 of 2014 of the Judicial First Class Magistrate's Court-III, Punalur, which has arisen from Crime No.1558 of 2014 of the Pathanapuram Police Station, for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. It is the specific case of the petitioner that he had co-operated with the investigation at all stages and he had appeared before the investigating officer 3-4 times. Even then, the Final Report was filed by showing the petitioner as an absconding accused. According to the petitioner, in such a case, there is possibility of him being remanded, if he

appears before the court below.

3. There is no room for such an apprehension. The petitioner is the 2nd accused, who is the father-in-law of the defacto complainant. All the main overt acts are alleged against the 1st accused. When the petitioner had willingly co-operated with the investigation, there is no such room for apprehension as the one forwarded by the petitioner. The learned Magistrate shall consider the bail application, if any, that may be filed by the petitioner, before the court below, and shall pass orders, in accordance with law, on the same day itself.

With the said observation, this Crl.M.C. is closed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

// True Copy //

P.A. To Judge