

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

Crl.MC.No.428 of 2015

MC NO.273/2014 of SUB DIVISIONAL MAGISTRATE COURT,KASARGOD.

PETITIONER/COUNTER PETITIONER:

**RIYAZ T.K.M,S/O.RAZAK.C.H,MISRIYA MANZIL,
KAVUMTHALA,PADNE VILLAGE,KASARAGOD DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT'S/PETITIONER & STATE:

- 1. SUB INSPECTOR OF POLICE,
CHANDERA POLICE STATION,
KASARAGOD DISTRICT-671121.**
- 2. STATE OF KERALA,REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 01-06-2015, ALONG WITH CRL.M.C NOS.3133/2015 & 3150/2015 THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No.428 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1:TRUE COPY OF THE PRELIMINARY ORDER IN M.C.NO.148/2013
OF SUB DIVISIONAL MAGISTRATE COURT, KASARAGOD AT
KANHANGAD DATED 5.8.2013.**

**ANNEXURE-A2:TRUE COPY OF THE PRELIMINARY ORDER IN M.C.NO.273/2014
OF SUB DIVISIONAL MAGISTRATE COURT, KASARAGOD AT
KANHANGAD DATED 31.10.2014.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

Crl.M.C.Nos.428, 3133 & 3150 Of 2015

Dated this the 1st day of June, 2015.

ORDER

The matter in issue raised in these Criminal Miscellaneous Cases are covered against the respondents-State by the legal principles laid down in Santhosh v. State of Kerala reported in 2014(3) KLT 837 dealing with similar impugned proceedings under Sec. 107 of the Cr.P.C.

2. Accordingly, in tune with the directions issued by this Court in the said reported decision, the impugned orders are quashed with liberty to the respondent-Sub Divisional Magistrate to take fresh action, if so necessary, after complying with all the statutory procedural requirements and after applying the legal principles laid down in the above mentioned reported decision of this Court and in accordance with law.

With the above observations, the above captioned Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-