

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 466 of 2015 (E)

**C.C.NO.2997/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KARUNAGAPPALLY**

PETITIONER/2ND ACCUSED :-

**BINDU KUMAR B,
"BINDU SADANAM",
KULANGARABHAGOM,
CHAVARA P.O., KOLLAM,
PIN - 691 583.
NOW RESIDING AT:
KOCHUTHENGUVILA VEEDU,
MARANADU P.O., EZHUKONE,
KOLLAM - 691 505.**

BY ADV. SRI.S.S.RAJESH

RESPONDENTS :-

- 1. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE,
KARUNAGAPPALLY - 691 506.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SMT.S.HYMA, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 466 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE I :- TRUE COPY OF THE CRIME AND OCCURRENCE REPORT.

**ANNEXURE II :- TRUE COPY OF THE REPRESENTATION DATED 03/11/2014 BY
THE PETITIONER TO THE EXCISE MINISTER.**

**ANNEXURE III :- TRUE COPY OF THE SUMMONS ISSUED TO THE PETITIONER
DATED 18/01/2015.**

RESPONDENT(S)' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

Crl.M.C.No.466 of 2015

Dated this the 4th day of March, 2015

ORDER

The petitioner herein is the second accused in C.C.No.2997 of 2014 of the Chief Judicial First Class Magistrate Court, Karunagappally. The petitioner was arrested by the police on the spot when found in possession of some quantity of ganja. Seizure of ganja from his possession was made after seizure of ganja from first accused. On the basis of the two seizures, the police registered FIR, and after investigation submit final report in Court under Section 20(b)(ii)A of the NDPS Act. The petitioner seeks orders quashing the prosecution as against him on the ground that there is absolutely no material to incriminate him. On hearing both sides and on perusal of the prosecution records including the seizure mahazer prepared by the police on the spot, I find that materials are there for a prosecution against the petitioner. The seizure mahazer shows that some quantity of ganja was in fact seized from his possession.

Whether the seizure is legal or true or whether the accused is entitled for the benefit of any defence during trial, are all matters to be decided by the trial court. I find no reason or ground to interfere at this stage and to quash the prosecution. In view of the materials for a prosecution under Section 20(b)(ii)A of the NDPS Act against the accused, the petitioner will have to face trial before the learned Magistrate.

In the result, the petition is dismissed in limine, without being admitted to files.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE