

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Crl.MC.No. 660 of 2015 ()

CRIME NO. 5/2015 OF BEDIADKA EXCISE RANGE, KASARGOD DISTRICT

PETITIONER/ACCUSED:

**MERCINA D'SOUZA, AGED 48 YEARS
W/O.ROBERT D'SOUZA, MANIYAMPARA, SHENI VILLAGE
MANJESHWAR TALUK, KASARAGOD**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT/COMPLAINANT/STATE:

- 1. THE EXCISE RANGE OFFICER
BADIADKA EXCISE RANGE - 671 541.**
- 2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.**

R2 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CrI.MC.No. 660 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

AI: TRUE COPY OF THE SEIZURE MAHAZAR DATED 14/1/2015

AII:TRUE COPY OF THE OCCURRENCE REPORT IN CR.NO.5/2015

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.660 of 2015

Dated this the 9th day of February, 2015

O R D E R

The petitioner herein seeks orders quashing an abkari crime, on the ground that she was not arrested on the spot by the Excise Inspector. Now, she apprehends arrest by the Excise Inspector as part of investigation. Of course, the crime cannot be quashed on the ground that the accused was not arrested on the spot by the detecting officer. Finding that such a prayer will not be entertained, the learned counsel for the petitioner seeks a direction to the court below to consider the petitioner's application for bail in case of surrender before the investigating officer, or even before the learned Magistrate having jurisdiction. The offence is not punishable with death or imprisonment for life. Even the Judicial First Class Magistrate can entertain the application for bail. It is for the petitioner to decide to surrender before the investigating officer, or before the learned Magistrate having jurisdiction. If the petitioner surrenders before the learned Magistrate, and makes application for bail, it will

definitely be considered judiciously by the learned Magistrate.

With these observations, this Crl.M.C. is closed.

Sd/-

P. UBAID, JUDGE

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