

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 785 of 2015

**CC 72/2012 OF CHIEF JUDICIAL MAGISTRATE COURT, KALEPETTA
CRIME NO. 205/2012 OF VYTHIRI POLICE STATION , WAYANAD**

PETITIONER(S)/4TH ACCUSED:

**PRANAV,
S/O.RADEERAN, NAVADA SANAM,
NEAR NELLIKKODE VISHNU TEMPLE,
THONDAYAD, KOZHIKODE.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. SUB INSPECTOR OF POLICE,
VYTHIRI POLICE STATION, WYNAD-673 576.**
- 2. THE SUB INSPECTOR OF POLICE,
VADAKARA POLICE STATION-673 101.**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031.**
- 4. ASHRAF, AGED 50 YEARS
S/O.HASSAN, KOLOTH HOUSE, VYTHIRI.P.O.
KUNNATHIDAVAKA AMSOM, WYNAD DISTRICT-673 576.**

R1-3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 785 of 2015

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Dated this the 11th day of June, 2015

ORDER

Sri.T.G.Rajendran, learned counsel instructed by Smt.Ann Susan George, learned counsel for the petitioner, submits that there are no proper materials that emerge from the impugned Anx.1 final report/charge sheet in the impugned crime, which make out an indictable case for the offences alleged therein and that the petitioner seeks permission to move appropriate application for discharge before the jurisdictional court concerned and that liberty may be granted to him not to press this Crl.M.C. for pursuing such remedies and leaving open all his contentions. Sri.T.G.Rajendran, learned counsel for the petitioner would also submit that all his contentions as regards the legality of the various steps taken in the investigation during the investigations may also be left open to be decided in other appropriate proceedings. In the light of these submissions of the learned counsel for the petitioner it is ordered that the Crl.M.C. stands closed as not-pressed with the said liberty

and it is made clear that in case the stage for seeking the plea of discharge has not yet been crossed, such prayer should be considered by the court below concerned on the petitioner making appropriate application in that regard. It is also made clear that all the contentions made by the petitioner are left open to be decided in such appropriate proceedings.

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Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge