

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1353 of 2015 ()

AGAINST CC 131/2012 of C.J.M COURT,KASARAGOD
CRIME NO. 490/2011 OF KUMBLA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

KHALID M AGED 51 YEARS
S/O.POKKAR, M.P.HOUSE, PALLIKKERE P.O
PALLIKKERE VILLAGE, HOSDURG TALUK, KASARAGOD DIST.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1353 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE F.I.R.IN CR.NO.490/2011 OF KUMBALA POLICE STATION.

ANNEXURE-A2: TRUE COPY OF THE F.I.S.IN CR.NO.490/2011 OF KUMBALA POLICE STATION.

ANNEXURE-A3: TRUE COPY OF THE FINAL REPORT IN CR.NO.490/2011 OF KUMBALA POLICE STATION.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1353 of 2015**  
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Dated this the 11th March 2015

ORDER

The petitioner herein is the sole accused in C.C No.131 of 2012 of the Chief Judicial Magistrate's Court, Kasaragod . The offences alleged against him are under Sections 283 and 332 of Indian Penal Code. The allegation is that at about 10.00 a.m on 8.8.2011, the petitioner caused obstruction to traffic on a public road and also assaulted a K.S.R.T.C driver. The said driver sustained some simple injuries in the alleged incident. The petitioner seeks orders under Section 482 of the Code of Criminal Procedure quashing Section 332 of Indian Penal Code in the final report. His contention is that a driver of the K.S.R.T.C bus cannot be treated as public servant. This is not a matter to be decided at this stage. There is no question of quashing or deleting a section from the final report under Section 482 of Cr.P.C in the circumstances alleged here. Whether the injured is in fact a public servant or not, will have to be considered by the trial court. The Kerala State

Transport Corporation is a Government owned and Government aided Corporation. It is a statutory corporation in Kerala. Whether employees of the said Corporation can be treated as public servants as defined under the Indian Penal Code will be considered during trial. Even if the case advanced by the petitioner is acceptable, here is a person who sustained injuries in an incident of assault. If such incident is proved, the accused will have to be properly dealt with under the law. Let those aspects be gone into and decided by the trial court. With these observations, this Crl.M.C is closed.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge