

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 1490 of 2015

**ORDER DTD.29.1.2015 IN MC 58/2015 of SUB DIVISIONAL MAGISTRATE COURT,
KASARAGOD**
.....

PETITIONER(S):

**RAGHU T.K.,
S/O. ACHU, RESIDING AT PUTHUKKUNNU, KATTIPOYIL,
KINANOOR-KARINDALAM VILLAGE, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S)/STATE:

- 1. THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD, KANHANGAD P.O.,
KASARAGOD DISTRICT-671 315.**
- 2. THE SUB INSPECTOR OF POLICE,
NILESHWAR POLICE STATION,
KASARAGOD DISTRICT-671 314.**
- 3. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1490 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: THE CERTIFIED COPY OF THE ORDER DATED 29.1.2015 IN
M.C.NO.58/2015 ON THE FILE OF THE SUB DIVISIONAL
MAGISTRATE'S COURT, KASARAGOD AT KANHANGAD.**

**ANNEXURE A2: THE TRUE COPY OF THE NOTICE DATED 29.1.2015 IN M.C.NO.55/2015
ISSUED BY THE IST RESPONDENT TO ONE NARAYANAN AND
ANOTHER.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.1490 of 2015

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Dated this the 29th day of July, 2015

O R D E R

The matter in issue raised in this Criminal Miscellaneous Case is covered against the respondent-State by the legal principles laid down by this Court in Santhosh v. State of Kerala reported in 2014 (3) KLT 837 as well as the judgment dated 19.12.2014 of this Court rendered in the case Sajeesh.K v. State of Kerala in Crl.M.C.No.7259/2014 and connected cases reported in 2014 SCC Online Ker. 27899 dealing with similar impugned proceedings under Sec. 107 of the Cr.P.C. The impugned orders in this case are similar or almost identical to the one considered in the above said reported rulings of this Court.

2. Accordingly, in tune with the directions issued by this Court in the said reported decisions, the impugned orders in this case is quashed with liberty to the Sub Divisional Magistrate concerned to take fresh action, if actually necessary, after complying with all the statutory procedural requirements and after applying the

legal principles laid down in the aforementioned reported rulings of this Court and in accordance with law.

With these observations and directions, the Crl.M.C stand finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE