

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 1497 of 2015

**MC 55/2015 OF SUB DIVISIONAL MAGISTRATE'S COURT, KASARGOD AT
KANHANGAD.**
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PETITIONER(S):

1. NARAYANAN,
S/O.PULINGODAN KUNHIKRISHNAN NAIR,
AGED 44 YEARS, RESIDING AT PUTHUKKUNNU,
KINANOOR VILLAGE, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.
2. SURESHKUMAR, S/O.T.KUNHIRAMAN,
AGED 43 YEARS, RESIDING AT PUTHUKKUNNU,
KINANOOR VILLAGE, VELLARIKUNDU TALUK,
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 - 671315.
2. THE SUB INSPECTOR OF POLICE,
NILESHWAR POLICE STATION,
KASARAGOD DISRICT - 671314.
3. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: THE CERTIFIED COPY OF THE ORDER DATED 29.01.2015 IN MC.NO.55/2015 ON THE FILE OF THE SUB DIVISIONAL MAGISTRATE'S COURT, KASARAGOD AT KANHANGAD.

ANNEXURE A2: THE TRUE COPY OF THE NOTICE DATED 29.01.2015 IN MC.NO.58/2015 ISSUED BY THE FIRST RESPONDENT TO ONE RAGHU T.K.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.1497 of 2015

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Dated this the 22nd day of July, 2015

O R D E R

The matter in issue raised in these Criminal Miscellaneous Cases is covered against the respondents-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 these cases 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 these cases are 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 stands finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge