

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Crl.MC.No. 1567 of 2015 ()

CC.NO. 744/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR

PETITIONER/ACCUSED :

SRI.T.M.NAJEEB,
AGED 53 YEARS, S/O. MAMMA, THUNDATHIL
MADAVANA, PANANGAD P.O., ERNAKULAM – 682506.

BY ADVS.SRI.NOBLE MATHEW
SRI.JUSTIN MATHEW

RESPONDENTS/ COMPLAINANT AND STATE :

1. THE STATION HOUSE OFFICER
TOWN EAST POLICE STATION, THRISSUR

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

3. S. JAYAKUMAR,
ASSISTANT SECRETARY,
THRISSUR CORPORATION,
THRISSUR.

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA
R3 BY ADVS. SRI.K.P.VIJAYAN
SRI.V.N.HARIDAS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1:** **PHOTOSTAT COPY OF THE FIRST INFORMATION REPORT
FILED BEFORE THE JUCIDIAL FIRST CLASS MAGISTRATE
COURT-I, THRISSUR UPON THE FIRST INFORMATION
STATEMENT GIVEN BY MR.S. JAYAKUMAR, ASSISTANT
SECRETARY, CORPORATION OF THRISSUR, THE 3RD
RESPONDENT.**
- ANNEXURE A2:** **CERTIFIED COPY OF THE FINAL REPORT/ CHARGE SHEET
FILED BY THE FIRST RESPONDENT UNDER SECTION 173(2) OF
THE CODE OF CRIMINAL PROCEDURE.**
- ANNECURE A3:** **PHOTOSTAT COPY OF THE COMPLAINT FILED BY
MR. S. JAYAKUMAR, ASSISTANT SECRETARY, ELECTRICITY
WING, THRISSUR CORPORATION, RESPONDENT NO.3.**
- ANNEXURE A4:** **PHTOTOSTAT COPY OF THE CERTIFICATE OF DRUNKENNESS
ISSUED BY THE MEDICAL OFFICER ON 8.1.2014 AT 12.45 PM.**

RESPONDENT(S)' ANNEXURES : **NIL**

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No. 1567 of 2015
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Dated this the 14th day of December, 2015

ORDER

Heard the learned counsel for the petitioner, the learned Public Prosecutor and the learned counsel for the 3rd respondent.

2. The petitioner is the accused in Crime No.128/2014 of the Thrissur Town East Police Station registered for the offences punishable under Sections 511 of Section 287 IPC and Section 118(e) of the Kerala Police Act. The petitioner is a habitual drunkard. Unfortunately, he is working under the 3rd respondent as a lineman, who has to deal with dangerous works, which affects not only his safety but also the safety of the public at large. He remained as a mute spectator under the influence of liquor beneath the

transformer. He was placed under suspension pending enquiry by the 3rd respondent and the disciplinary proceedings are going on.

3. According to the petitioner, there are no allegations to invite the offence alleged against him. It seems that the allegations may not constitute an offence under Section 511 of Section 287 IPC. At the same time, presently it cannot be said that the allegations will not constitute an offence under Section 118(e) of the Kerala Police Act, if proved. It is for the prosecution to prove it. With the said observations, this Crl.M.C. is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge