

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Crl.MC.No. 1576 of 2015 ()

CC 1037/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA

PETITIONER/1ST ACCUSED :

**BIPIN ANDREWS, AGED 48 YEARS,
ANDREWS, 7D, SKYLINE SILVER OAK,
KADAVANTHRA , KOCHI-682020**

**BY ADVS.SRI.SHAJI P.CHALY
SMT.K.S.SUMITHA
SRI.S.GOPAKUMAR
SMT.K.JASMIN BABY
SRI.ANISH ANTONY
SRI.M.SHINO**

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682011**
- 2. SUB INSPECTOR OF POLICE
ALUVA EAST POLICE STATION, ALUVA, ERNAKULAM 683101**

R1 & R2 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 18-06-2015, ALONG WITH CRMC. 1587/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** TRUE COPY OF THE DIRECTORS IDENTIFICATION NUMBER ALLOTMENT LETTER DT. 18.2.2009.
- ANNEXURE A2:** TRUE COPY OF RESERVE BANK OF INDIA GUIDELINES NO. RBI/2007-2008/296 DT. 24.4.2008.
- ANNEXURE A3:** TRUE COPY OF THE LETTER OF AUTHORITY ISSUED BY M/S. MASHREQ BANK DT 30.6.2010.
- ANNEXURE A4:** TRUE COPY OF THE TRANSCRIPT OF THE CALL MADE TO THE CW2.
- ANNEXURE A5:** CERTIFIED COPY OF CHARGE SHEET IN CC 1037/114 DT.25.4.2014.
- ANNEXURE A6:** CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CC 1037/14 DT. 18.3.2014
- ANNEXURE A7:** CERTIFIED COPY OF THE STATEMENT OF CW 1.
- ANNEXURE A8:** CERTIFIED COPY OF THE STATEMENT OF CW2.
- ANNEXURE A9:** CERTIFIED COPY OF THE REPORT FROM THE CYBER CELL WITH DOCUMENTS

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.1576 & 1587 of 2015

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Dated this the 18th day of June, 2015

ORDER

It is pointed out that the sole offence alleged in these impugned criminal proceedings is the one under Sec.118(d) of the Kerala Police Act. The Apex Court in the celebrated case Shreya Singhal v. Union of India reported in AIR 2015 SC 1523 = 2015 (2) KLT 1 (SC) has already struck down the provisions contained in Sec.118(d) of the Kerala Police Act, as that provision was declared to be unconstitutional, unenforceable and ultra vires. Accordingly, the impugned criminal proceedings in both these cases are declared to be unenforceable and ultra vires. In terms of this finding, it is ordered in the interest of justice that the impugned criminal proceedings in both these Crl.M.Cs. will stand quashed.

The Crl.M.Cs. stand finally disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

