

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 1635 of 2015 ()

CC. NO.1187/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR.

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PETITIONER/ACCUSED:

**VENUGOPALAN, S/O.PARAMESWARAN PILLAI,
AGED 46 YEARS, PARAYATTUVEEDU,
MANJUMALA P.O, KAZHAKUTTOM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER.

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE-A: COPY OF FIR & FIS.**
- ANNEXURE-B: COPY OF FINAL REPORT.**
- ANNEXURE-C: COPY OF THE MEMORANDUM OF EVIDENCE.**
- ANNEXURE-D: COPY OF THE CERTIFICATE OF REGISTRATION OF PETITIONER'S WIFE DR.BEENA VENUGOPAL.**
- ANNEXURE-E: COPY OF IDENTITY CARD ISSUED TO PETITIONER FROM MEDICAL COLLEGE, THIRUVANANTHAPURAM.**
- ANNEXURE-F: COPY OF THE TREATMENT CERTIFICATE ISSUED FROM RCC, THIRUVANANTHAPURAM.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.1635 of 2015

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Dated this the 16th day of July, 2015

ORDER

The prayer in this Crl.M.C is as follows:

“.. may be allow above Crl.M.C and quash all further proceedings in C.C No.1187/11 on the file of JFMC, Tirur.”

2. As directed by this Court the respondent Investigating officer has filed a statement dated 24.6.2015 in this case, which reads as follows:

“1. It is submitted that the brief of the case is that on 08.08.2010 at about 18.45 hrs Sri. K.M Suliman Circle Inspector of Valanchery received a secret information that one Venugopalan is working as a Allopathic Doctor at Town Hospital Kadampuzha and he has no MBBS degree or any other registration to practice as doctor, on the basis of the information circle inspector conducted a raid at Town Hospital Kadampuzha and found above said Venugopalan was treating a patient at this Hospital. Then after completing the legal procedure Circle Inspector arrested him and seized the properties found on the table etc.. facts.

2. In connection with this a case has been registered against him as Crime No.292/2010 U/s 419, 420 the I.P.C. 15(2) (b) r/w 15 (3) of Indian Medical Council Act 1956 and section 38, 39 of Travancore Cochin Medical Practitioners Act 1953 of Kalpakanchery Police Station. As the case is not grave as per the circular 01/2013 after registering the case, the Circle Inspector endorsed the file to his subordinate Sri. Premjith Sub Inspector of Police Kalpakanchery for investigation.

3. When the circle inspector reached the hospital on the basis of the information he found that the petitioner Venugopalan was treating a patient in the Hospital. And his name board is hung on the outside of the consulting room as Dr. Venugopalan Bsc MBBS. The Circle Inspector seized the board by search list in the presence of two independent witnesses. In addition to this CW1 Meena, CW2

Aswathi, CW3 Thara are also independent witnesses in the case. The statements (161(3)) are recorded by the investigation officer. It is revealed from statements of witness and other material evidence the petitioner Venugopalan was treating the patients and directed the medicines without any degree and other registration certificate on Allopathic Medicine and the Venugopalan has already been working as a doctor in the Hospital thereby he was cheating the public for making money.

4. Though the case was detected and registered by Circle Inspector of Police, Valanchery the case was being investigating by the Sri. Premjith, Sub Inspector of Police, Kalpakanchery. The investigation Officer submitted final report before Judicial First Class Magistrate's Court , Tirur. And now the case is under trial C.C No.1187 of 2011 Hon'ble JFCM Court, Tirur.

It is submitted that the case is genuine and under trial. In the above circumstances, Crl.M.C may be dismissed as it is devoid of any merits. “

3. In view of the submissions made in the statement dated 24.6.2015 filed by the investigating Officer, this Court is of the considered opinion that no grounds are made out for warranting any interference in this case. Accordingly, the Crl.M.C stands closed with liberty to the petitioner to work out his remedies in accordance with law.

sd/-

sab

ALEXANDER THOMAS, JUDGE