

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1761 of 2015

AGAINST CRIME NO.RC 12(A)/99 CBI, SPE, KOCHI.
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PETITIONER(S)/ACCUSED:

**KOTTIKULAM NADUTHOPPIL MOHAMMED JIFFREY,
S/O.LATE K. N. KUNHI AHAMED,
KOTTIKULAM NADUTHOPPIL HOUSE, KOTTIKULAM, BEKAL POST,
KASARAGOD DISTRICT, KERALA STATE, PIN - 671 318.**

BY ADV. SRI.MANJERI S. SUNDERRAJ

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA,
HOME MINISTRY, BORTH BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI, PIN - 110 001.**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADVS. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
SRI.ABHILASH KUMAR G.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF PETITIONER'S SRILANKAN PASSPORT NO. 3587421
DATED 25/09/2013 VALID UPTO 25/09/2023.**

**ANNEXURE A2: TRUE COPY OF ORDER DATED 10/12/2013 IN CRL.M.C.NO. 5979/2013
OF THIS HON'BLE COURT.**

**ANNEXURE A3: TRUE COPY OF ORDER DATED 12/02/2014 IN CMP NO. 54/2014 IN
CC 765/2002 PASSED BY CHIEF JUDICIAL MAGISTRATE, ERNAKULAM.**

**ANNEXURE A4: TRUE COPY OF O.C.I (OVERSEAS CITIZENSHIP OF INDIA) WITH VIDE
REFERENCE TO FILE NO. LKAC00009914 ON THE BASIS OF ONLINE
REG.NO. LKAC0039714 U/S 7(A) OF THE CITIZENSHIP ACT AS PER
CONFIRMATION DATED 10/07/2014.**

**ANNEXURE A5: TRUE COPY OF LETTER OF CLEARANCE OF FRRO, KASARAGOD
DATED 20/03/2014**

**ANNEXURE A6: TRUE COPY OF LETTER DATED 29/09/2014 FROM HIGH COMMISSION
OF INDIA, COLOMBO.**

**ANNEXURE A7: TRUE COPY OF REPRESENTATION DATED 07/11/2014 BEFORE THE
CENTRAL HOME MINISTRY DIRECTLY AND THROUGH THE MEMBER
OF PARLIAMENT OF THE CONSTITUENCY.**

**ANNEXURE A8: TRUE COPY OF REPLY DATED 23/12/2014 SENT BY HON'BLE HOME
MINISTER SRI.RAJNATH SINGH TO SRI.P.KARUNAKARAN, MEMBER
OF PARLIAMENT, KASARAGOD.**

**ANNEXURE A9: TRUE COPY OF LETTER DATED 30/01/2015 SENT BY MEMBER OF
PARLIAMENT SRI.P.KARUNAKARA TO THE HON'BLE HOME
MINISTER, GOVERNMENT OF INDIA.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

P. UBAID, J.

Crl.M.C.No.1761 of 2015

Dated this the 26th day of March, 2015

O R D E R

The petitioner herein is a Srilankan national. He seeks prohibitory order under Section 482 Cr.P.C., restraining the police from proceeding against him under the Foreigners' Act, on the ground of over-stay in India. Now, there is no representation on his behalf. I find that he will have to file proper proceeding for the relief sought. The relief as sought under Section 482 Cr.P.C. cannot be granted. He will have to seek appropriate writ under Article 226 of the Constitution of India. Presently, there is no criminal proceeding against him, and there is no scope or reason to invoke under Section 482 Cr.P.C. I find that this Crl.M.C. is liable to be closed without being admitted to files.

In the result, this petition is dismissed in limine, without being admitted to files, and without prejudice to the right of the petitioner to bring appropriate proceeding for the proper remedy.

Sd/-

P. UBAID, JUDGE

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