

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.MC.No. 2203 of 2015

CRIME NO. 253/2013 OF FEROKE POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/2ND ACCUSED:

**THAJIB, AGED 30 YEARS,
S/O.MAMUKUTTY, KANNAMPARAMBATH, MOOLANGOTT,
RAMANATTUKARA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU
SRI.A.R.BEJOY**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2203 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.253 OF
2013 OF FEROKE POLICE STATION DTD.11.6.2013.**

**ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.253 OF 2013 OF FEROKE
POLICE STATION DTD.23.7.2013.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 2203 of 2015
.....

Dated this the 1st day of October, 2015

ORDER

Petitioner is the 2nd accused in C.P. No.56/2013 of the Judicial First Class Magistrate's Court-V, Kozhikode, which has arisen from Crime No.253/13 of the Feroke Police Station, for the offences punishable under Sections 279 and 308 IPC, Section 132(1) read with Section 179 & Section 3 (1) read with Section 181 of the Motor Vehicle Act, and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. A crime was registered against the first accused alleging offences punishable under Sections 279 and 308 IPC, Section 132(1) read with Section 179 of the Motor Vehicle Act, and Sections 20 and 21 of the Kerala Protection of River Banks and

Regulation of Removal of Sand Act, 2001.

2. The allegation against the first accused is that he drove the lorry in question allegedly loaded with sand illegally collected from the river and when the police party under the leadership of the defacto complainant chased the lorry, he stopped the lorry abruptly, and ran away from the lorry without switching it off. The lorry came in the reverse direction and it capsized. Had the jeep by which the defacto complainant was chasing the lorry, been not removed to the side of the road, it would have resulted in the death of the passengers of the police jeep, including the defacto complainant.

3. Either the final report or the first information report do not reveal any involvement of the petitioner in the incident. Even though the learned Public Prosecutor has argued that the petitioner is arraigned as the accused because of the fact that he being the registered owner of the lorry, had illegally handed over the lorry to the first accused,

who was not having any driving licence. At the same time, apart from the said submission in Court, the records do not reveal any such allegation against the petitioner. The final report does not show as to the reason by which the petitioner is implicated in the case. Matters being so, Annexure A2 final report in Crime No.253/2013 of the Feroke Police Station and the consequent proceedings in L.P.No.107/2014 in C.P.No.56 of 2013 of the Judicial First Class Magistrate's Court-V, Kozhikode, as against the petitioner, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure A2 final report in Crime No.253/2013 of the Feroke Police Station and the consequent proceedings in L.P.No.107/2014 in C.P.No.56 of 2013 of the Judicial First Class Magistrate's Court-V, Kozhikode as against the petitioner, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge

CRL.M.C.No. 2203 of 2015

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