

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Cri.MC.No. 2474 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 145/2015 of C.J.M.,KASARAGOD

PETITIONER(S)/ACCUSED:

SHANAVAS P.K.M
S/O.T.B.KUNHAMO, DARUSAFFA PADHOOR,
THEKKIL POST
KASARAGOD.

BY ADVS.SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31
2. MUJEEB ABDULLA
S/O.ABDULLA MUHAMMED, SULAIKHA MANZIL, CHIRACKAL ROAD
CHEMMANAD, KASARAGOD.

R BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1. PHOTOSTAT COPY OF THE FIR IN CRIME NO.121/2013 OF THE MANJESWAR POLICE STATION, KASARAGOD DISTRICT.

ANNEXURE-A2. PHOTOSTAT COPY OF THE AGREEMENT EXECUTED BETWEEN HARIS.C.A AND THE PETITIONER HEREIN ON 2/2/2013 IN TGHE PRESENCE OF WITNESS.

ANNEXURE-A3. PHOTOSTAT COPY OF THE COMPLAINT FILED BY THE DEFACTO COMPLAINT TO THE POLICE

ANNEXURE-A4. PHOTOSTAT COPY OF THE STATEMENT GIVEN ON 9/2/2015.

ANNEXURE-A5. PHOTOSTAT COPY OF THE STATEMENT FILED ON 9/3/2014.

ANNEXURE-A6. PHOTOSTAT COPY OF THE CHARGE SHEET.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.2474 of 2015 C
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Dated this the 26th day of October, 2015

ORDER

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Petitioner is the 1st accused in CC No.145/2015 of the Chief Judicial Magistrate's Court, Kasaragod, which has arisen from Crime No.121/2013 of Manjeswar Police Station for the offences punishable under Sections 143, 147, 148, 341, 364A and 506(ii) read with Section 149 IPC.

2. According to the petitioner, he is not in any way connected with any of the offences. The present stage is too premature to consider the said aspect by this Court. This Court cannot weigh the intrinsic particulars of the evidence collected by the investigating officer. At the same time, the petitioner can approach the court below at the stage of Section 239 Cr.P.C. with a request for discharge, in

case he is entitled. In such case, the court below shall pass appropriate orders. The court below shall not insist the personal presence of the petitioner till the stage of Section 239 Cr.P.C.

CrI.M.C. is disposed of accordingly.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/26/10

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PA to Judge