

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. 2822 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 74/2015 of JUDICIAL FIRST CLASS
MAGISTRATE COURT, PIRAVOM

PETITIONER(S)/ACCUSED:

1. B.M.JAMAL, AGED 49 YEARS
S/O.LATE P.M.HAMEED, PATEL MANZIL, BEKAL P.O.
HOSDURG TALUK, KASARAGOD DISTRICT.
2. M.M.SALIM, AGED 45 YEARS
S/O.MOHAMMED PILLAI, MANAYIL HOUSE, ERUMATHALA P.O.
CHUNANGAMVELI, ALUVA, ERNAKULAM DISTRICT.

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

1. K.P.SULAIMAN
S/O.PAREETH, PRESIDENT, KANJIRAMATTOM MUSLIM JAMA-ATH
REGISTERED NO.416/1995, KANJIRAMATTOM P.O.
ERNAKULAM DISTRICT, PIN-682315.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.AYSHA YOUSEFF
R1 BY ADV. SMT.MOLLY JACOB
R1 BY ADV. SRI.C.M.EBRAHIM
R1 BY ADV. SRI T M MOHAMED YOUSEFF
R2 BY SRI.ASAF ALI, DGP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-10-2015, ALONG WITH CRMC. 2823/2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE OFFICIAL GAZETTE NOTIFIED BY THE STATE GOVERNMENT APPOINTING THE 1ST PETITIONER AS CHIEF EXECUTIVE OFFICER OF THE WAKF BOARD.

ANNEXURE 2: TRUE COPY OF THE PROCEEDINGS BEFORE THE LOK ADALATH/KERALA S A TRUE COPY OF THE ORDER DT.19-4-2013 IN IA 383/2012 IN OS 97/1101 ME OF THE WAKF TRIBUNAL, ERNAKULAM.

ANNEXURE 3: TRUE COPY OF THE MEMO DT.22-5-2014 ALONG WITH THE REPORT DT.3-5-2014 OF THE 2ND PETITIONER SUBMITTED BY THE 1ST PETITIONER BEFORE THE HON'BLE WAKF TRIBUNAL.

ANNEXURE 4: TRUE COPY OF THE PROCEEDINGS DT.31-5-2014 OF THE HON'BLE WAKF TRIBUNAL IN OS 97/1101 ME.

ANNEXURE 5: TRUE COPY OF THE COMMUNICATION DT.31-5-2014 ISSUED BY THE HON'BLE WAKF TRIBUNAL, ERNAKULAM TO IG OF POLICE, CENTRAL RANGE ERNAKULAM.

ANNEXURE 6: TRUE COPY OF THE MEMO DT.24-7-2014 ALONG WITH THE REPORT DT.23-7-2014 OF THE 2ND PETITIONER SUBMITTED BY THE 1ST PETITIONER BEFORE THE HON'BLE WAKF TRIBUNAL.

ANNEXURE 7: TRUE COPY OF THE PROCEEDINGS DT.24-7-2014 OF THE HON'BLE WAKF TRIBUNAL IN OS 97/1101 ME.

ANNEXURE 8: TRUE COPY OF THE REPORT DT.8-1-2015 SUBMITTED BY THE 1ST PETITIONER TO THE HON'BLE WAKF TRIBUNAL, ERNAKULAM.

ANNEXURE 9: TRUE COPY OF THE ORDER DT.28-3-2015 IN OS 976/1101 ME OF THE HON'BLE WAKF TRIBUNAL.

ANNEXURE 10: TRUE COPY OF THE COMPLAINT DT.21-8-2014 SUBMITTED BEFORE THE SUB INSPECTOR OF POLICE, MULAMTHURUTHY.

ANNEXURE 11: TRUE COPY OF THE COMPLAINT IN CC 74/2015 ON THE FILE OF THE JFCM, PIRAVOM.

RESPONDENT(S)' EXHIBITS

ANN.I TRUE COPY OF THE REPORT DTD 16.1.2015 FILED BY THE 1ST PETITIONER BEFORE WAKF TRIBUNAL.

ANN.II TRUE COPY OF THE FIR.188/15 OF MULANTHURUTHY POLICE STATION.

ANN.R1(C) TRUE COPY OF THE SWORN IN STATEMENT DTD 11.2.15 BY COMPLAINANT IN CC.74/2015 FILED BEFORE JFCM, PIRAVOM

ANN.R1(D) TRUE COPY OF THE SWORN IN STATEMENT DTD 21.2.15 BY WITNESS SRI.ABDUL KAREEM IN CC.74/2015 .

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ANN.R1(E) TRUE COPY OF THE SWORN IN STATEMENT DTD 21.2.15 BY WITNESS
SRI.AMJAD IN CC.74/2015 .

ANN.R1(F) TRUE COPY OF THE SWORN IN STATEMENT DTD 21.2.15 BY WITNESS
SRI.M.S.ASHRAF IN CC.74/2015 .

ANN.R1(G) TRUE COPY OF THE SWORN IN STATEMENT DTD 21.2.15 BY WITNESS
SRI.E.M.BASHEER IN CC.74/2015 .

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. Nos.2822 & 2823 of 2015
.....

Dated this the 26th day of October, 2015

ORDER

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Heard learned counsel for the petitioners for quite some time. The learned counsel for the petitioners has presently limited his request to have a direction to the court below to dispense with sureties for enlarging the petitioners on bail. Such a direction cannot be granted even when the offence is a bailable one. Instead of that, the court below can be directed to give a benefit to the petitioners to deposit bond amounts in lieu of sureties. Such a direction is hereby given.

2. There is a further request from the part of the petitioners to dispense with the continued personal presence of the petitioners. As far as practicable, the court below shall dispense with the personal presence of the petitioners, except on the dates on which their personal

presence is required. The petitioners shall file affidavits before the court below stating that even in case of their absence, they will not dispute the identity. The court below shall dispose of the matter, expeditiously.

Crl.M.Cs. are disposed of accordingly.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/26/10

// True Copy //

PA to Judge