

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.MC.No. 3220 of 2015 ()

CRIME NO. 761/2013 OF KARIPUR POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONER/ACCUSED:

**KOTTARAYIL FASILJAN,
D/O.KOTTARAYIL UMMER, KOTTARAYIL HOUSE,
EDATHANATTUKARA POST, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.M.JAMALUDHEEN,
SMT.LATHA PRABHAKARAN.**

RESPONDENT/DE FACTO COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
INSTRUCTIONS THROUGH THE SUB INSPECTOR OF POLICE,
KARIPPUR POLICE STATION, MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEX. A : CERTIFIED COPY OF THE MEMORANDUM DATED 30-11-2013
TREATED AS FIR IN CRIME NO.761/2013 OF KARIPPUR POLICE
STATION ALONG WITH LETTER OF THE OFFICER.

ANNEX. B: CERTIFIED COPY OF THE REMAND REPORT IN CRIME NO.761/2013
OF KARIPPUR POLICE STATION.

ANNEX. C : TRUE COPY OF THE PASSPORT OF THE PETITIONER.

ANNEX. D : TRUE COPY OF THE RELEVANT PAGES OF SECONDARY SCHOOL
LEAVING CERTIFICATE OF THE PETITIONER.

ANNEX. E : TRUE COPY OF THE AADHAR CARD OF THE PETITIONER.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 3220 of 2015

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Dated this the 7th day of September, 2015

ORDER

The petitioner is the accused in Crime No.761/2013 of Karippur Police Station, Malappuram, registered for the offences punishable under Sections 468 and 471 IPC and Section 12(1)(b) of the Indian Passport Act.

2. The allegation against the petitioner is that she has made correction in the last digit of the year in her date of birth. According to the petitioner, there was no such correction and there was no proof for any such correction. The date of birth of the petitioner is 2.2.1987. It is further contended that had there been any such correction, there should have been similar correction in the bottom portion also and there is no such allegation that there was any correction in the bottom portion. It is too premature for this Court to consider all these.

3. When considering the matter under 482 Cr.P.C.,

this cannot go into the intrinsic particulars of the evidence collected by the Investing Officer and the records and to have a threadbare examination. It is for the petitioner to take up the matter before the court below under Section 239 Cr.P.C.

4. In case, the petitioner prefers an application under Section 239 Cr.P.C, the court below shall consider it and dispose of it on merits in accordance with law at the stage of Sections 239 and 240 Cr.PC.

With the said liberty to the petitioner, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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