

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937**

**Crl.MC.No. 3323 of 2015**  
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**CP 43/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD.  
CRIME NO. 110/2014 OF BEDAKAM POLICE STATION, KASARGOD.**  
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**PETITIONERS/ACCUSED NO.1 AND 2:**  
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- 1. JAGEESH KUMAR, AGED 38 YEARS,  
S/O GOPINATHAN NAIR, MANI MANDIRAM,  
CHAMUNDIKUNNU, PANATHADI GRAMAM,  
KASARAGOD DISTRICT.**
- 2. ANILKUMAR J., AGED 41 YEARS,  
S/O JANARDHANAN P., AJAY BHAVAN,  
CHAMUNDIKUNNU, PANATHADI GRAMAM,  
KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR  
SRI.RANJIT BABU**

**RESPONDENT/STATE:**  
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**STATE OF KERALA, REPRESENTED  
THROUGH THE SUB INSPECTOR OF POLICE,  
BADAKAM POLICE STATION, KASARAGOD DISTRICT,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.**

**BY PUBLIC PROSECUTOR SMT.P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 17-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

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- ANNEXURE 1:** THE CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO.110/2014 OF BEDAKAM POLICE STATION.
- ANNEXURE 2:** THE CERTIFIED COPY OF THE FINAL REPORT IN C.P.NO.43/2015 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD.
- ANNEXURE 3:** THE CERTIFIED COPY OF THE SUICIDE NOTE ALLEGEDLY RECOVERED BY THE POLICE.

**RESPONDENTS' ANNEXURES:** NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**B.KEMAL PASHA, J.**

.....  
CRL. M.C. No. 3323 of 2015  
.....

Dated this the 17<sup>th</sup> day of September, 2015

**ORDER**

What is under challenge is the final report in Crime No.110/2014 of the Bedakam Police Station, Kasaragod. The crime was initially registered under Section 174 Cr.P.C. On investigation a final report has been filed against the petitioners alleging an offence punishable under Section 306 read with Section 34 IPC.

2. According to the petitioners, the offence alleged against the petitioners is not legally sustainable. On going through the contents of the final report, and the submissions made by the learned counsel for the petitioners and the learned Public Prosecutor, I am of the view that it is too early

to consider the said question by this Court as to whether the charges are legally sustainable or not. At the same time, these questions can be considered by the concerned Sessions Court while dealing with the matter under Section 227 Cr.P.C. Leaving open the said liberty to approach the Sessions Court on committal, this Crl.M.C. is closed.

3. The court below, on the surrender of the petitioners before it, within a period of one month from today, and on their filing applications for bail if any, shall dispose of the applications on the same day itself, provided advance notice is served on the concerned Assistant Public Prosecutor in charge of the case.

**Sd/- B.KEMAL PASHA, JUDGE**

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[True copy]

P.S. to Judge