

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 3357 of 2015 ()

MC.NO. 83/2015 OF SUB DIVISIONAL MAGISTRATE COURT, FORT KOCHI

PETITIONER :

**MANEESH BABU
AGED 31, S/O.SURESH BABU,
CHANAYIL HOUSE, SOUTH CHITTOOR
KOCHI-27.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE**

RESPONDENT/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA – 682 031.**

**2. THE SUB INSPECTOR OF POLICE
CHERANALLOOR POLICE STATION,
CHERANALLOOR – 682 034.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, ALONG WITH CRL.M.C. NO. 3358/2015 & CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 3357 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-A1: THE ORIGINAL ORDER SIGNED AND CERTIFIED BY THE SUB
 DIVISIONAL MAGISTRATE, FORT KOCHI, DATED 28.04.2014 IN
 MC 83/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3357, 3358, 3359, 3360, 3361, 3362,
3363, 3364, 3365, 3366, 3367, 3368, 3369,
3370, 3389, 3390 & 3395 of 2015

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Dated this the 8th day of June, 2015

ORDER

The matter in issue raised in these Criminal Miscellaneous Cases is covered against the respondents-State by the legal principles laid down by this Court in Santhosh v. State of Kerala reported in 2014(3) KLT 837 as well as the judgment dated 19.12.2014 of this Court rendered in the case Sajeesh.K v. State of Kerala in Crl.M.C.No.7259/2014 and connected cases, reported in 2014 SCC Online Ker. 27899 dealing with similar impugned proceedings under Sec. 107 of the Cr.P.C. The impugned orders in these cases are similar or almost identical to the one considered in the above said reported rulings of this Court.

2. Accordingly, in tune with the directions issued by this Court in the said reported decisions, the impugned orders in these cases are quashed with liberty to the Sub Divisional Magistrate concerned to take fresh action, if actually necessary, after complying

with all the statutory procedural requirements and after applying the legal principles laid down in the aforementioned reported rulings of this Court and in accordance with law.

3. Before parting with this case, this Court is constrained to observe that the impugned orders are bearing the date 28th day of April, 2014, whereas the crimes referred to therein are pertaining to the year 2015. It could be a case of mistake in showing the said date of the order. But it is to be remembered that the orders passed are under Sec.107 Cr.P.C., which detrimentally affect the fundamental freedoms and rights of the affected parties and such mistake only shows the non-application of mind by the authority concerned.

With these observations and directions, the Crl.M.Cs stand finally disposed of.

sd/+
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge