

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. 3614 of 2015

CRIME NO. 1552/2014 OF PALLURUTHY POLICE STATION, (KOCHI KASABA)
.....

PETITIONER/3RD ACCUSED:

ARUN RAJ, S/O.BABU RAJ,
AGED 25 YEARS, THOTTEKKAADU,
NILAMBUR, MALAPPURAM DISTRICT, KERALA.

BYSRI.K.RAMAKUMAR (SENIOR ADVOCATE)
ADVS. SRI.S.M.PRASANTH
SRI.VINOD.V (EDAPPUNATHIL)
SRI.C.DINESH
SRI.G.RENJITH
SMT.ASHA BABU
SMT.AMMU CHARLES

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
2. THE STATION HOUSE OFFICER,
PALLURUTHY POLICE STATION,
PALLURUTHY, KOCHI - 682 005.
3. MR.ABDUL SIYAD, MANAGING DIRECTOR,
AQUA SEAFOOD PRIVATE LIMITED,
DARSALAM ROAD, MATTANCHERRY, KOCHI - 682 002.

R1 & R2 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:

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE A : TRUE COPY OF FIR DATED 22.10.14 IN CRIME NO.1552 OF 2014
 OF THE PALLURUTHY (KOCHI KASABA) POLICE STATION.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.3614 of 2015
.....

Dated this the 7th day of September, 2015

ORDER

The petitioner is presently arraigned as the 3rd accused in Crime No.1552 of 2014 of the Palluruthy Police Station, registered for the offences punishable under Sections 403, 408, 477-A, 420, 381, 506(1) and 120B read with Section 34 IPC.

2. According to the petitioner, he is not in any way connected with the offences alleged and the incident in question, and that unnecessarily he has been roped in without his presence at the scene. It seems that he was waiting in the car just outside the factory, and the other accused had brought records from the factory into the car and they drove away. According to the petitioner, when his presence and participation was not there, he could not have been roped in with the aid of Section 34 of IPC.

3. According to the investigating officer, evidence has been collected to show that the petitioner along with A1 were staying together in Hotel Aroor Residency. At the same time, the learned Senior Counsel for the petitioner produced a copy of the guest registration card from the said hotel, which shows that A1 alone was the occupier of the room in that hotel. Still, the investigating officer maintains the stand that the records seized from the Hotel by the investigating officer shows that the petitioner was staying along with the first accused. Of course, this Court cannot make a threadbare examination of the evidence while dealing with the matter under Section 482 Cr.P.C.

4. It seems that the investigation is practically over. The present stage is too premature to say anything with regard to the involvement of the petitioner in the incident. On getting the final report filed, the petitioner can approach the concerned court at the stage of 239 Cr.P.C. seeking a discharge, if he is entitled to. With liberty to the petitioner to

have recourse to such a procedure, this Crl.M.C. is closed.

In case the petitioner surrenders before the court below, and moves for bail, the court below shall consider and dispose of such application for bail on the same day itself, provided advance notice is given to the learned Assistant Public Prosecutor in charge of the case.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge