

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 3734 of 2015

CC 107/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANNUR

PETITIONER(S)/ACCUSED:

**P.R.MANOJ, AGED 43 YEARS,
S/O.RAGHAVAN, FORMERLY SUB INSPECTOR OF POLICE,
KANNUR TOWN POLICE STATION,
PERMANENTLY RESIDING AT MANASA, MARUTHAYI, PORORA P.O.
MATTANNUR, KANNUR DISTRICT.**

**BY ADVS.SRI.I.V.PRAMOD
SRI.S.U.NAZAR**

RESPONDENT(S)/COMPLAINANT & STATE:

**1. N.LAKSHMANAN, AGED 59 YEARS,
S/O.KANNAN, PANAKKADAPARAMBU, PALLIKULAM,
P.O. CHIRAKKAL, KANNUR DISTRICT, 670006.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682031.**

**R1 BY ADVS. SRI.G.S.KRISHNAN KARTHA
SRI.LIJIN THAMBAN
SRI.M.RETHEESHKUMAR**

R2 BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3734 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: CERTIFIED COPY OF THE COMPLAINT DATED NIL IN
C.C.NO.107/2015 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, KANNUR.**

**ANNEXURE-A2: CERTIFIED TRUE COPY OF THE DOCKET SHEET ENTRY DATED
20/1/2015.**

**ANNEXURE-A3: A TRUE COPY OF THE JUDGMENT DATED 28/7/2011 IN W.P.(C)
NO.9665/2011.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 3734 of 2015

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Dated this the 6th day of October, 2015

ORDER

It has come out that the matter relating to the private complaint filed by the 1st respondent as against the petitioner is relating to acts allegedly committed by the petitioner in the course of the discharge of his official duties. The petitioner was the Sub Inspector of Police, Kannur Town Police Station at the time of incident.

2. The complaint of the petitioner is that the court below has taken cognizance of the complaint without obtaining necessary sanction as contemplated under Section 197 Cr.P.C. The learned counsel for the 1st respondent has pointed out that the 1st respondent has applied for sanction and the proceedings for sanction are still pending. The taking of cognizance by the court below

is hereby quashed as it is barred. The court below can again take cognizance of the matter in case of obtaining sanction for prosecution.

This Crl.M.C is disposed of accordingly.

Sd/-
B.KEMAL PASHA, JUDGE

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