

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937**

**Crl.MC.No. 3955 of 2015 ()**  
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**CRIME NO. 25/2013 OF NEDUPUZHA POLICE STATION, THRISSUR DISTRICT  
ST. NO. 346/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THRISSUR NOW  
PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT  
(EVENING COURT), THRISSUR.**  
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**PETITIONER/ACCUSED :**  
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**ANEESH, AGED 22 YEARS  
S/O SUNNY, THERUVAKKATTIL HOUSE,  
MATTAMPURAM DESOM, KURICHIKKARA VILLAGE.**

**BY ADV. SMT.MEREENA JOSEPH**

**RESPONDENTS/COMPLAINANT :**  
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**1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM  
(ON BEHALF OF SUB-INSPECTOR OF POLICE  
NEDUPUZHA POLICE STATION)**

**2. THE REGIONAL PASSPOERT OFFICER  
REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR P.O.,  
COCHIN - 682 036.**

**R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN  
R2 BY ADV. SRI.N.NAGARESH, ASGI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**...2/-**

**Crl.MC.No. 3955 of 2015 ()**  
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**APPENDIX**

**PETITIONERS' ANNEXURES :**  
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- ANNEXURE A1:** TRUE COPY OF THE F.I.R.IN CRIME NO. 25/2013 OF THE  
NEDUPUZHA POLICE STATION.
- ANNEXURE A2:** TRUE COPY OF THE FINAL REPORT IN CRIME NO. 25/2013 OF  
THE NEDUPUZHA POLICE STATION.
- ANNEXURE A3:** TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE  
REGIONAL PASSPORT OFFICER, COCHIN TO THE PETITIONER  
DATED 21/1/2015.

**RESPONDENT(S)' EXHIBITS :** NIL  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.

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Crl.M.C.No.3955 of 2015

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Dated this the 22<sup>nd</sup> day of July, 2015

O R D E R

The prayer in this Crl.MC. is as follows:

“...to direct the the Judicial First Class Magistrate Court-II, Thrissur or the Judicial First Class Magistrate Court, Evening Court, Thrissur to take up S.T.No.346/2013 and dispose of the same in accordance with law as expeditiously as possible at any rate within a time limit to be fixed by this Hon'ble Court, in the interest of justice.”

2. The petitioner is the sole accused in the impugned Annexure-A1 Crime No.25/2013 of Nedupuzha Police Station for offence under Section 279 of IPC. The police after investigation had submitted the impugned Annexure-A2 final report/charge sheet in the impugned Annexure-A1 Crime No.25/2013 of Nedupuzha Police Station which has led to the pendency of S.T.No.346/2013 on the file of Judicial First Class Magistrate Court-II, Thrissur. It is now said to be deleted by the Judicial First Class Magistrate Court, (Evening Court), Thrissur. It is pointed out that the entire case files pertaining to this Crl.M.C. is missing from the court below and that even the petitioner's application for pleading guilty has not been considered by the court below on account of the fact that the entire case records are missing. Therefore it is prayed that this

court may quash the impugned criminal proceedings or in the alternative, may issue appropriate direction to the court below in the interest of justice.

3. As directed by this Court the court below has submitted a report wherein it is stated that the entire case records in relation to the ST case could not be traced out inspite of the sincere and intelligent efforts of the court staff. Further it is also stated that the application filed by the counsel for the accused pleading guilty to the charge also could not be considered as the case records could not be traced out so far.

4. Heard Smt.Mereena Joseph, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for 1<sup>st</sup> respondent and Sri.N.Nagaresh learned Assistant Solicitor General appearing for the 2<sup>nd</sup> respondent.

5. It is clear from the report of the court below that the entire case records pertaining to Summary Trial of Case S.T.346 of 2013 are missing and could not be traced out so far. The court below will take expeditious steps to ensure that the entire case records are traced out so as to consider the petitioner's plea for application for pleading guilty without any further delay for orders. In case the case records pertaining to S.T.No.346/2013

is not traced out within a period of three weeks from the date of production of certified copy of this order, then the court below will ensure that the case records are reconstructed with the help of the case records maintained by the prosecutor concerned which may be corroborated with the copies of the case records being maintained by the learned counsel appearing for the accused. The Director General of Prosecution is requested to give suitable directions to the prosecutor concerned appearing for the court below to render all necessary assistance to the court below. The court below then call upon both the learned prosecutor concerned as well as the learned counsel appearing for the accused to make available the respective records and based on this process the case records should be reconstructed within three weeks thereafter. After this process is over, the court below will take up the application submitted by the counsel for the petitioner for pleading guilty in this case and take up the same for consideration for orders and necessary orders shall be passed thereon in accordance with law. It is pointed out by Smt.Mereena Joseph, learned counsel appearing for the petitioner that in cases like this, the well accepted practice is that the court below will impose only a fine up to Rs.1000/- even though

Section 279 of the IPC empowers the convicted person could be punished with imprisonment of either description for a term for extension of even six months or fine extended to Rs.1000/- or with both. Having regard to the facts and circumstances of this case, it is to be ordered in the interest of justice that the learned Magistrate may consider the application of the accused pleading guilty and will consider imposing only a fine of Rs.1000/-.

With these observations and directions the Crl.M.C.stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL