

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Crl.MC.No.4045 of 2015

**MC NO.64/2015 of SUB.DVL.MAGI.COURT,FORT COCHIN.
CRIME NO.660/2015 OF PALLURUTHY POLICE STATION,ERNAKULAM.**

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PETITIONER:

**SANEER P.N,AGED 25 YEARS,S/O.NISSAR,
H.NO.19/2005,P.D ROAD,PALLURUTHY-KOCHI-6**

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

RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE
KOCHI KASABA POLICE STATION,KOCHI-682018.**

BY PUBLIC PROSECUTOR SRI.N.SURESH.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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Crl.MC.No.4045 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:THE ORIGINAL ORDER SINGED AND CERTIFIED BY THE SUB
DIVISIONAL MAGISTRATE, FORT KOCHI, IN MC NO.64/2015
DTD 28/4/2014.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4045 of 2015

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Dated this the 2nd day of July, 2015

O R D E R

The matter in issue raised in this Criminal Miscellaneous Case 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 order in this case is 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 order in this case is 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. With these observations and directions, the Crl.M.C stands finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge