

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Crl.MC.No. 4299 of 2015 ()

CRIME NO. 507/2015 OF MARADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED :

**VASILEY MARKELOV, AGED 37 YEARS
S/O. EGORE MERKALO, KALAKKOVA, 19/266
MOSCOW, LIP CODE- 123592
RUSSIA, NOW RESIDING AT VADACKAL HOUSE
NORTH EDAPPALLY, AIMS P.O., KOCHI-41**

**BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V. NAIR
SRI.ALBERT V. JOHN
SMT.ROSHNI MANUEL**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 4299 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1:A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO. 507/15.**

ANNEXURE A2: A TRUE COPY OF THE PETITION DT. 15//6/15.

ANNEXURE A3: A TRUE COPY OF THE SAID ORDER DT. 18/6/15.

**ANNEXURE A4: A TRUE COPY OF THE LETTER DT. 29/6/15 ISSUED BY THE
EMBASSY OF RUSSIAN FEDERATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Crl.M.C No.4299 of 2015

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Dated this the 17th day of July, 2015

O R D E R

The prayers in this Crl.M.C are as follows:

“i. quash Anx-3 order dated 18.6.2015 in C.M.P No.1591/2015 in Crime No.507/2015 passed by the Judicial Magistrate of First Class-I, Kochi and allow Annexure -A2 Petition.

ii. to direct the respondent to submit the chemical examination report with regard to the petitioner in Crime No.507/2015, forthwith.”

2. The learned counsel for the petitioner submits that the petitioner is not pressing the prayer No.1 with liberty to seek appropriate remedies in that regard at the appropriate stage. Accordingly, the prayer No.1 is closed with the aforestated liberty.

3. As regards the prayer No.2, this Court had earlier issued order dated 13.7.2015 in this case are reads as follows.

“The Public Prosecutor to get instructions from the Regional Chemical Examination Laboratory-Kakkanad, Ernakulam as to the present stage of the chemical examination process in respect of this case as referred to in Annx.A2 and A3 and as to the time required for its completion. The authorities of the Regional Chemical Examination Laboratory will ensure that the testing process in this regard as referred to in Annx.A2 and A3 will be expedited and all efforts should be taken to complete the testing process at the earliest .

The Public Prosecutor will submit before this Court on 17-07-2015 as to the time required for making available with the test result.”

4. Today when the matter was taken up for consideration, the learned learned Public Prosecutor on instructions submitted that the Regional Chemical Examination Laboratory, Kakkanad, Ernakulam will ensure that the tests results in that regard could be made available within 15 days.

5. The learned counsel for the petitioner submits that this Crl.M.C to the extent which relates to prayer No.2 may be closed recording the aforestated submissions made by the learned Public Prosecutor on behalf of the Regional Chemical Examination Laboratory. Accordingly, the above said submission is recorded. It is further ordered in the interest of justice that all reasonable endeavours should be taken by the Authority concerned in the Regional Chemical Examination Laboratory, Kakkanad, Ernakulam and to ensure that the tests results pertaining to crime No.507/2015 of Maradu Police Station is completed without any further delay and to ensure that the tests results are made available to the competent criminal court concerned within the aforestated time limit suggested by that authority.

With these observations and directions, the Crl.M.C stands finally disposed of. The office of the Advocate General and the petitioner's counsel will forward a certified copy of this order to the Regional Chemical Examination Laboratory, Kakkanad, Ernakulam for further action.

sd/-

sab

ALEXANDER THOMAS, JUDGE

