

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

CrI.MC.No. 4490 of 2015 ()

MC.NO. 206/2014 OF SUB DIVISIONAL MAGISTRATE COURT, KOZHIKODE

PETITIONER/PETITIONER :

**P.M. NAVAS
S/O.MOIDEEN, AGED 35 YEARS
PAZHAYERIYILL HOUSE, IRINGALLOOR
MATHARA, GURUVAYURAPPAN COLLEGE P.O.
KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/RESPONDENT & STATE :

- 1. THE SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION
KOZHIKODE DISTRICT - 673 001.**
- 2. STATE OF KERALA (RESPONDENTS 1 & 2)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 4490 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-A1: TRUE COPY OF THE PROCEEDINGS IN M.C.NO.206/2014 ON
 THE FILE OF SUB DIVISIONAL MAGISTRATE, KOZHIKODE.**

**ANNEXURE-A2: TRUE COPY OF THE STATEMENT SUBMITTED BY THE
 PETITIONER IN M.C.NO.206/2014.**

**ANNEXURE-A3: TRUE COPY OF THE ORDER DATED 29.5.2015 PASSED BY THE
 SUB DIVISIONAL MAGISTRATE, KOZHIKODE.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4490 of 2015

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Dated this the 23rd day of July, 2015

O R D E R

The proceedings under challenge are those at Annexures A1 and A3 issued under Sections 111 and 107 of the Cr.P.C. Six crimes are stated to be the cases were initiated in the impugned Annexure A1 proceedings. The petitioner submits that out of the six crimes, the petitioner has been acquitted in four crimes viz. those in Crime Nos.47/2008 of Panniyankara Police Station, 69/2006 of Feroke Police Station, 176/2010 and 359/2011 of Nallalam Police Station. It is self evident from reading of Annexure A1 that the sole basis for initiating the proceedings at Annexure-A1 is on the basis of pendency of such crimes alone.

2. The matter in issue raised in this Criminal Miscellaneous Case is covered against the respondents 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.

3. Accordingly the impugned Annexures A1 and A3 are quashed with liberty to the respondent Sub Divisional Magistrate to initiate fresh action, if really required, after following the prescribed procedure in accordance with law and in accordance with the legal principles laid down in the aforementioned reported rulings of this Court.

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

Sd/- ALEXANDER THOMAS, JUDGE

MJL