

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 4758 of 2015 ()

CRIME NO. 323/2015 OF VALLIKUNNAM POLICE STATION, ALAPPUZHA

PETITIONERS/ACCUSED 1 TO 3 :

- 1. SADASIVAKURUPPU, AGED 68 YEARS,
S/O.KESAVAN NAIR, PEROOR VEEDU, LLIPPAKULAM MURI,
VALLIKUNNAM VILLAGE.**
- 2. SREEKUMAR, AGED 52 YEARS,
S/O.BALAKRISHNA PILLAI, SREE RANGAM VEEDU,
LLIPPAKULAM MURI, VALLIKUNNAM VILLAGE.**
- 3. SASIDHARAN PILLAI, AGED 63 YEARS,
S/O.NARAYANAN NAIR, NARAYANA VILASAM (KEEPPALLIL)
THEKKANAL MURI, OCHIRA VILLAGE.**

BY ADV. SMT.V.P.SATHI

RESPONDENT/STATE AND DE-FACTO COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**

BY PUBLIC PROSECUTOR SRI. GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: A TRUE COPY OF THE FIR NO.323 DTD 4.4.2015 OF VALLIKUNNAM
POLICE STATION FILED UNDER SECTION 107 OF CR.PC.**

**ANNEXURE-II: A TRUE COPY OF THE ORDER OF TEMPORARY INJUNCTION OF THE
MUNSIFF'S COURT, KAYAMKULAM IN O.S.NO.530/2014.**

**ANNEXURE-III: A TRUE COPY OF THE FIR DTD 11.12.2014 IN CRIME NO.1203/14
OF VALLIKUNNAM POLICE STATION.**

**ANNEXURE-IV: A TRUE COPY OF THE FIR DTD 20.3.2015 IN CRIME NO.265/15
OF VALLIKUNNAM POLICE STATION.**

**ANNEXURE-V: A TRUE COPY OF THE ORDER OF THE SUB DIVISIONAL
MAGISTRATE COURT, CHENGANNUR IN M.C. 18/2015 DTD 15.6.2015**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

Crl.M.C.No.4758 Of 2015

Dated this the 28th day of July, 2015.

ORDER

The matter in issue raised in this Criminal Miscellaneous Case is covered against the respondent-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 Crl.M.C is quashed with liberty to the Sub Divisional Magistrate concerned to take fresh action, if actually necessary, after

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Crl.M.C.No.4758 Of 2015

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.

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

ALEXANDER THOMAS,
Judge.

bkn/-