

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. 4767 of 2015 ()

MC. NO.43/2015 OF SUB DIVISIONAL MAGISTRATE, THALASSERY.

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PETITIONER(S):

**VINOD. A., AGED 31 YEARS,
S/O.KUNHIRAMAN, EDAKKANDY HOUSE,
MORAZHA AMSOM DESOM, AYYANKOVIL,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.P.NARAYANAN,
SRI.NICHOLAS JOSEPH.**

RESPONDENT/COMPLAINANT:

**1. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**2. THE SUB DIVISIONAL MAGISTRATE,
THALASSERY, PIN-670 101.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-07-2015, ALONG WITH CRL.MC. NO.4771 OF 2015,THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE 1 : COPY OF THE ORDER IN MC.NO.43/2015 DATED 22-04-2015
ISSUED BY THE SUB DIVISIONAL MAGISTRATE, THALASSERY.**

**ANNEXURE 2 : COPY OF THE JUDGMENT IN CRL.M.C.2798/2013
DATED 26-03-2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

Crl.M.C.Nos.4767 & 4771 Of 2015

Dated this the 28th day of July, 2015.

ORDER

The matter in issue raised in this Criminal Miscellaneous Cases 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 these cases are 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 orders in these Crl.M.Cs are quashed with liberty to the Sub Divisional Magistrate concerned to take fresh action, if actually necessary, after

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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, these Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-