

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4802 of 2015

M.C.NO.42/2015 OF SUB DIVISIONAL MAGISTRATE, THALASSERY

PETITIONER(S)/COUNTER PETITIONER :

**RAJEESH C.V @ KUTTAN, AGED 28 YEARS,
S/O.KUNHIRAMAN, KAVINTAKATH HOUSE,
KANNAPURAM AMSOM, CHINA CLAY, P.O.CHERUKUNNU,
KANNUR DISTRICT.**

**BY ADVS.SRI.I.V.PRAMOD
SRI.P.SASI**

RESPONDENT(S)STATE & PETITIONER :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682 031.**
- 2. SUB DIVISIONAL MAGISTRATE,
THALASSERY, PIN:670 101.**
- 3. S.I. OF POLICE,
KANNAPURAM POLICE STATION, KANNUR DISTRICT,
P.O.CHERUKUNNU, PIN:670 301.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE PRELIMINARY ORDER IN
 M.C.NO.42/2015 OF SDM, THALASSERY, DATED 22.04.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

CrI.M.C.No.4802 Of 2015.

Dated this the 29th 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 CrI.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 CrI.M.C 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

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CrI.M.C.No.4802 Of 2015.

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 CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-