

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4913 of 2015 ()

MC. NO.128/2015 OF SUB DIVISIONAL MAGISTRATE, FORT KOCHI.

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PETITIONER/ACCUSED:

**JUDE THADEVUS, AGED 50 YEARS,
S/O. THOMAS, THACHUTHARAYIL HOUSE,
VADUTHALA, KOCHI.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
(CRIME NO. 595/2015 OF ERNAKULAM
TOWN NORTH POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

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| ANNEXURE I | TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 595/2015 OF ERNAKULAM TOWN NORTH
POLICE STATION, ERNAKULAM DISTRICT. |
| ANNEXURE II | TRUE COPY OF THE PRELIMINARY ORDER DATED 26-05-2015
ISSUED BY THE SUB DIVISIONAL MAGISTRATE IN
MC. NO.128/2015. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4913 of 2015

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Dated this the 4th day of August, 2015

O R D E R

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 case 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 applying the legal principles laid down in the aforementioned

reported rulings of this Court and in accordance with law.

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

Sd/- ALEXANDER THOMAS, JUDGE

MJL