

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4978 of 2015

MC 83/2015 OF SUB DIVISIONAL MAGISTRATE COURT, THALASSERY
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PETITIONER(S)/COUNTER PETITIONERS NOS. 1,2,4 & 8:

1. R.V.SASIDHARAN, AGED 40 YEARS,
S/O. KUMARAN, THAIKANDY HOUSE, CHERUVANCHERI,
DEENADAYAL NAGAR, THALASERRY TALUK, KANNUR.
2. PARAYI PURUSHU, AGED 45 YEARS,
S/O. KRISHNAN, CHEKKIYULLATHIL HOUSE, CHERUVANCHERI,
THALASERRY TALUK, KANNUR.
3. GOURI, AGED 40 YEARS,
W/O. RAJU, AMRITHAPURI, CHERUVANCHERI,
THALASERRY TALUK, KANNUR.
4. SONAL A.C., AGED 35 YEARS,
S/O. RAJU, AMRITHAPURI, CHERUVANCHERI,
THALASERRY TALUK, KANNUR.

BY ADV. SRI.K.RAJESH SUKUMARAN

RESPONDENT(S)/STATE/PETITIONER:

1. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
KANNAVAM POLICE STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB DIVISIONAL MAGISTRATE,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE, THALASERRY,
KANNUR-670 101.

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4978 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- TRUE COPY OF THE PRELIMINARY ORDER DATED 21-05-2015
PASSED IN MC 83/2015 BY THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C 4978 of 2015

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Dated this the 5th day of August 2015

ORDER

The order under challenge is at Anx.A1 purportedly issued u/S 111 and 107 of the Cr.P.C by the Executive Magistrate concerned in which there are 8 counter petitioners, and in respect of counter petitioners 5, 6 and 7 in Anx.A1, this Court has already quashed the said impugned order as per the final order dated 1.6.2015 in Crl.M.C No.3133 of 2015. Moreover, 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 orders in this case 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 this case are 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 stand finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE