

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 5152 of 2015 ()

**CRIME NO. 1240/2015 OF KANNUR TOWN POLICE STATION,
KANNUR DISTRICT**

PETITIONES/ACCUSED NO.1 AND 2:-

- 1. MOHAMMED DANISH RASHEED, AGED 17 YEARS,
S/O.ABDUL RAHSEED T.M., STAR HOUSE, KANNOTHUMCHAL
P.O.CHOVVA, KANNUR DISTRICT
REPRESENTED BY GUARDIANAND FATHER ABDUL RASHEED T.M.
KANNOTHUMCHAL, P.O.,CHOVVA, KANNUR DISTRICT.**
- 2. HASHMABIL V.P., AGED 17 YEARS,
S/O. HARIS, 'NISHAS', KANNOOKKARA
P.O.THANA, KANNUR DISTRICT
REPRESENTED BY MOTHER AND GUARDIAN RAHIYANATH V.P.
W/O.HARIS, 'NISHAS', KANNOOKKARA
P.O.THANA, KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:-

- 1. STATE OF KERALA
REPRESENTED BY THE STATION HOUSE OFFICER,
KANNUR TOWN POLICE STATION, KANNUR DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.**
- 2. NABEEL C., AGED 28 YEARS,
S/O. K.P.MUHAMMED ALI, NAFEESA MANZIL,
P.O. CIVIL STATION, KANNUR - 670 002.**

**R1 BY PUBLIC PROSECUTOR SRI. GITHESH R.
R2 BY ADV. SMT.D.N.NISHANI**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 10-08-2015 ALONG WITH CRL. 5195/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5152 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: CERTIFIED COPY OF THE F.I.R. IN CRIME NO.1240/2015 OF KANNUR TOWN POLICE STATION.

ANNEXURE II: AFFIDAVIT SWEARED BY 2ND RESPONDENT DATED 22.01.2014.

ANNEXURE III: TRUE COPY OF THE REGISTRATION CERTIFICATE OF MOTORCYCLE KL-13AB-7421 IN THE NAME OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.5152 & 5195 of 2015

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Dated this the 10th day of August, 2015

ORDER

Considering the nature of allegations in these cases which involved juveniles who are charged for offences under Sections 379 and 201 of the IPC, this Court is of the considered opinion that the extraordinary discretion conferred under Section 482 of the Code of Criminal Procedure need not be invoked as of now. Faced with this situation, Sri.Binoy Vasudevan and Sri. P.U.Shailajan, the learned Advocates appearing for the petitioners in these two Criminal Miscellaneous Cases, submitted that though the offence under Section 379 of the IPC is compoundable and the offence under Section 201 is non compoundable in terms of the provisions contained under Section 320 of the Cr.P.C., this Court may have due consideration of the aspect that the case involves the future of juveniles who are alleged to be in conflict with law, who may also deserve a compassionate treatment in law. In view of this submission, it is ordered that the competent Probationary Officer

concerned appointed in terms and provisions contained in the Probation of Offenders Act, will monitor the conduct of these petitioners for the next six months and submit necessary report before the Juvenile Justice Court concerned within a period of eight months. Thereafter the petitioners will be at liberty to invoke appropriate remedies in that regard including the option to file a petition under Section 482 of the Cr.P.C., which will be considered then, on the basis of the report that may be made available by the Probationary Officer concerned.

With these observations and directions, both these Criminal Miscellaneous Cases stand closed.

Sd/-ALEXANDER THOMAS, JUDGE

MJL

