

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 5227 of 2015

MC 101/2015 OF SUB DIVISIONAL MAGISTRATE COURT, THIRUVANANTHAPURAM.
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PETITIONER/COUNTER PETITIONER:

**RAJEEV, S/O.RAJU,
PUTHUVAL PUTHEN VEEDU,
CHITTATTUMUKKU, MENAMKULAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.V.S.THOSHIN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
KAZHAKOOTTAM, THIRUVANANTHAPURAM - 695 001.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-08-2015 ALONG WITH CRMC.5228/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

mbr/

Crl.MC.No. 5227 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A: THE TRUE COPY OF THE ORDER DATED 2.6.2015 IN
M.C.NO.101/2015 OF THE SUB DIVISIONAL MAGISTRATE,
THIRUVANANTHAPURAM.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C No.5227 & 5228 of 2015

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Dated this the 11th day of August, 2015

O R D E R

The matter in issue raised in these Criminal Miscellaneous Cases is covered against the respondents-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 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 cases 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.Cs stand finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE