

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 5462 of 2015 ()

MC. NO.51/2015 OF SUB DIVISIONAL MAGISTRATE COURT, FORT COCHIN.

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PETITIONER/COUNTER PETITIONER:

**STANLY @ SALIKKUTTAN, S/O.LAWRENCE,
AGED 31 YEARS, KADUVEETIL HOUSE, KOTHERI ROAD,
VADUTHALA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.A.CHACKO,
SMT.C.M.CHARISMA,
SMT.MEGHA K.XAVIER.**

RESPONDENTS/COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION,
ERNAKULAM - 682 018.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 5462 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE-A1: TRUE COPY OF ORDER DATED 28.04.2014 IN MC NO.51/2015
OF SUB DIVISIONAL MAGISTRATE COURT, FORT KOCHI.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

Crl.M.C.No.5462 Of 2015

Dated this the 18th day of August, 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 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 Crl.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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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/-