

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5513 of 2015

**M.C.NO.69/2015 OF SUB DIVISIONAL MAGISTRATE'S COURT, KASARAGOD AT
KANHANGAD**

PETITIONER(S) :

**ZAKKIR.K, AGED 25 YEARS,
S/O.ASHRAF M., RESIDING AT KURIYAN HOUSE, VALVAKKAD,
ELAMBACHI, SOUTH TRIKARIPUR, HOSDURG TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S)/STATE :

- 1. THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD, KANHANGAD P.O.,
KASARAGOD DISTRICT-671 121.**
- 2. THE SUB INSPECTOR OF POLICE,
CHANDERA POLICE STATION, KASARAGOD DISTRICT-671 123.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: THE CERTIFIED COPY OF THE ORDER DATED 06.02.2015
IN M.C.NO.69/2015 ON THE FILE OF THE SUB DIVISIONAL
MAGISTRATE'S COURT, KASARAGOD AT KANHANGAD.**

**ANNEXURE A1(A): THE LEGIBLE COPY OF THE ANN-A1 ORDER
DATED 06.02.2015 IN M.C.NO.69/2015 ISSUED BY
THE 1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

Crl.M.C.No.5513 Of 2015

Dated this the 19th 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/-