

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. 5607 of 2015 ()

MC. NO.83/2015 OF SUB DIVISIONAL MAGISTRATE COURT, ALAPPUZHA.

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PETITIONER/ACCUSED:

**BINOOP KUMAR V.N., AGED 35 YEARS,
S/O.NARAYANAN, VATTAKKANDATHIL,
THYKKATTUSSERRY P.O., CHERTHALA.**

BY ADV. SRI.B.PRAMOD.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB DIVISIONAL MAGISTRATE,
ALAPPUZHA.**
- 3. THE SUB INSPECTOR OF POLICE,
POOCHAKKAL POLICE STATION,
ALAPPUZHA DISTRICT.**
- 4. AJEESH, S/O. ASOKAN,
ARATTUCHANIYIL VEEDU, PATHIYATHU JUNCTION,
WARD-XII, THAIKKATTUSSERRY PANCHAYATH, CHERTHALA.**
- 5. SUJITH, S/O. SIVADASAN, ARATTUCHANIYIL VEEDU,
PATHIYATHU JUNCTION, WARD-XII,
THAIKKATTUSSERRY PANCHAYATH, CHERTHALA.**

R1 TO R3 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:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE I:** CERTIFIED COPY OF THE FIR IN CRIME NO. 1030/14 OF POOCHAKKAL POLICE STATION.
- ANNEXURE II:** TRUE COPY OF THE SHOW CAUSE NOTICE DTD. 17/06/2015 IN MC NO, 83/2015 ON THE FILE OF THE SUB DIVISIONAL MAGISTRATE COURT, ALAPPUZHA.
- ANNEXURE III:** TRUE COPY OF THE FIR IN CRIME NO. 846/2013 OF POOCHAKKAL POLICE STATION.
- ANNEXURE IV:** TRUE COPY OF THE FIR IN CRIME NO. 983/2014 OF POOCHAKKAL POLICE STATION.
- ANNEXURE V:** TRUE COPY OF THE FIR IN CRIME NO.845/2013 OF POOCHAKKAL POLICE STATION.
- ANNEXURE VI:** TRUE COPY OF THE FIR IN CRIME NO. 984/2014 OF POOCHAKKAL POLICE STATION.
- ANNEXURE VII:** TRUE COPY OF THE BOND.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5607 of 2015

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Dated this the 19th day of August, 2015

O R D E R

The matter in issue raised in this Criminal Miscellaneous Case 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 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 stands finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE
sdk+
///True copy///

P.S. to Judge