

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5749 of 2015 ()

MC.NO. 58/2015 OF SUB DIVISIONAL MAGISTRATE COURT, FORT KOCHI

PETITIONER/COUNTER PETITIONER :

RAHIM
S/O.BAVA,
AMBALATTU HOUSE, 5/525
BSS ROAD, MATTANCHERRY.

BY ADV. SMT.O.H.NAZEEBA

RESPONDENTS/STATE & ACCUSED :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO.563 OF 2015 OF SUB INSPECTOR OF POLICE
KALAMASSERY POLICE STATION)

2. SUB DIVISIONAL MAGISTRATE,
FORT KOCHI, PIN-682 001.

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 5749 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1 : COPY OF THE ORDER DATED 28-4-2014 SERVED ON THE 1ST
 PETITIONER OF THE SUB DIVISIONAL MAGISTRATE, FORT
 KOCHI IN M.C.NO.58 OF 2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5749 of 2015

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Dated this the 20th day of August , 2015

O R D E R

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 orders 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 orders in this case 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 applying the

legal principles laid down in the aforementioned reported rulings of this Court and in accordance with law.

3. With these observations and directions, the Crl.M.C stands finally disposed of.

Sd/-
ALEXANDER THOMAS, JUDGE

AVS