

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Cri.MC.No. 5828 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 525/2013 of J.M.F.C-I, KOLLAM
CRIME NO. 925/2012 OF KILIKOLLOOR POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 1 & 2:

1. ZEENATH BEEVI, AGED 48 YEARS
W/O. ABDUL SALAM, KARIKODE, KILIKOLLOOR VILLAGE
KOLLAM DISTRICT.
2. ABDUL SALAM, AGED 56 YEARS
S/O. KASIM, ASIF MANZIL, KARIKODE
KILIKOLLOOR VILLAGE, KOLLAM DISTRICT.

BY ADVS.SRI.T.B.GAFOOR
SRI.K.M.SUBAIR
SRI.A.E.ALIYAR

RESPONDENT(S)/STATE/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE SUB INSPECTOR OF POLICE
KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT.

R BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5828 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : CERTIFIED COPY OF FIR AND FIS IN CRIME NO.925/12 OF
KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT.

ANNEXURE A2 : CERTIFIED COPY OF FINAL REPORT IN A1 FIR.

ANNEXURE A3 : COPY OF NOTICE ISSUED BY THE PASSPORT AUTHORITY,
DTD.14.2.2014.

ANNEXURE A4 : COPY OF SHAW CAUSE NOTICE ISSUED BY THE PASSPORT
AUTHORITY DTD.31.1.15 ISSUED BY THE REGIONAL PASSPORT OFFICE,
THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.5828 of 2015
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Dated this the 27th day of October, 2015

ORDER

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Petitioners are A1 and A2 in CC No.525/2013 before the Judicial First Class Magistrate's Court-I, Kollam, which has arisen from Crime No.925/2012 of Kilikolloor Police Station for the offences under Section 118(d) of the Kerala Police Act, 2010, and Section 109 read with Section 34 IPC.

2. The offence under Section 109 IPC is alleged on the allegation that the petitioners have abetted the commission of offence under Section 118(d) of the Kerala Police Act, 2010. The said provision of the Kerala Police Act, 2010 is declared as ultravires to the Constitution by the Apex Court. Matters being so, no offence will lie against the petitioners herein and the continued prosecution is quite unnecessary.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioners in CC No.525/2013 based on Annexure-A2 final report are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/27/10

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PA to Judge