

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 5893 of 2015

CP 16/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ERNAKULAM

PETITIONER(S)/ACCUSED:

**FAISAL, AGED 42 YEARS,
S/O.KUNHIPPA, PAMBALATH VALAPPIL HOUSE,
CHAZHIYATTIRI POST, VIA PERINGODE, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 5893 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A. TRUE COPY OF THE ORDER DATED 29.10.2007 IN
WP(CRL) NO.235/2007.**

**ANNEXURE B. TRUE COPY OF THE ORDER DATED 21.05.2011 PASSED BY THE
LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT NO.I,
ERNAKULAM IN CRL.MP.867(A)/11 IN CC.2151/2008.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. No.5893 of 2015
.....

Dated this the 1st day of September, 2015

ORDER

Originally, a private complaint was filed and the same was referred to the police under Section 156(3) Cr.P.C. Consequently, the police registered Crime No.832 of 2007 of the Ernakulam Town North Police Station for the offences punishable under Sections 376, 342 and 469 IPC. Subsequently, after investigation, the offence under Section 376 IPC was deleted and the police filed final report in the matter alleging offences punishable under Sections 469, 506(i) and 494 IPC only.

2. When the matter reached the Judicial First Class Magistrate's Court-I, Ernakulam as C.C.No.2151 of 2008, the learned Assistant Public Prosecutor filed a petition before the court stating that on going through the

statements of the witnesses an offence under Section 376 IPC also was revealed. In the absence of the accused, the court below passed order dated 21.05.2011 thereby, observing that the materials produced with the final report reveal an offence under Section 376 IPC. The learned Magistrate refiled the case as C.P.No.16 of 2011.

3. The matter is still pending as C.P.No.16 of 2011. A non-bailable warrant is issued against the petitioner. The court below is directed to take note of the details mentioned above, and shall dispose of the application for bail that may be filed by the petitioner before the court below, on the date of filing itself, provided, advance notice is served on the concerned learned Assistant Public Prosecutor.

With the above observations, this Crl.M.C. disposed of.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge