

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Crl.MC.No. 6009 of 2015

**C.C.NO.308 OF 2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
MANJERI, MALAPPURAM DISTRICT**

PETITIONER(S)/2ND ACCUSED :

**SHIHABUDEEN, AGED 37 YEARS,
S/O.MOIDEENKUTTY, KIZHAKKETHODY HOUSE,
THEKKUMURI, URNGATTIRI P.O., AREAKKODE,
MALAPPURAM DISTRICT, PIN- 673 639.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH**

RESPONDENT(S)/COMPLAINANT :

- 1. THE SUB INSPECTOR OF POLICE,
AREAKKODE POLICE STATION, AREAKKODE,
MALAPPURAM DISTRICT, PIN- 673 639,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
MALAPPURAM- 676 505.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** TRUE COPY OF THE STATEMENT GIVEN BY SRI.SAIDALAVI OF THE POLICE.
- ANNEXURE B:** A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.44/2014 OF AREAKKODE POLICE STATION SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI.
- ANNEXURE C:** TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI IN CRIME NO.44/2014.
- ANNEXURE D:** TRUE COPY OF THE WOUND CERTIFICATE ISSUED TO SMT.SUNEERA FROM THE TALUK HOSPITAL, AREAKODE.
- ANNEXURE E:** TRUE COPY OF THE WOUND CERTIFICATE ISSUED TO SMT.AYISHA FROM THE TALUK HOSPITAL, AREAKODE.
- ANNEXURE F:** TRUE COPY OF THE WOUND CERTIFICATE ISSUED TO MUHAMMEDALI FROM THE TALUK HOSPITAL, AREAKODE.
- ANNEXURE G:** TRUE COPY OF FIRST INFORMATION REPORT PREPARED BY SRI.AHAMMEDKUTTY, GASI OF POLICE, AREAKODE POLICE STATION IN CRIME NO.38/2014 OF AREAKODE POLICE STATION.
- ANNEXURE H:** TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER'S MOTHER BEFORE THE POLICE COMPLAINT AUTHORITY, MALAPPURAM DATED 19.03.2014.
- ANNEXURE I:** TRUE COPY OF THE ORDER DATED 12.02.2015 OF THE POLICE COMPLAINTS DISTRICT AUTHORITY, MALAPPURAM.
- ANNEXURE J:** TRUE COPY OF THE AFFIDAVIT DATED 03.09.2015 SUBMITTED BY THE PETITIONER IN C.C.NO.308 OF 015 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, MANJERI.
- ANNEXURE K:** TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI AS C.M.P.NO.5705 OF 2015.

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**ANNEXURE L: TRUE COPY OF THE APPLICATION SUBMITTED BY
THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, MANJERI AS C.M.P.NO.5706/2015 IN
C.C.NO.308 OF 2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6009 of 2015

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Dated this the 8th day of September, 2015

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is granted exemption from personal appearance before the court below in C.C.No.308/2015 till the stage of Section 313 Cr.P.C. The petitioner shall appear before the court below for enabling the court below to examine him under Section 313 Cr.P.C. The affidavit filed by the petitioner before the court below to the effect that he will not challenge the evidence relating to the question of identity, is recorded.

3. Crl.M.P.No.5706/2015 in C.C.No.308/2015 filed by the petitioner before the court below is allowed to the above extent. The question relating to the investigation of the counter case is left open.

With the said observation, this Crl.M.C is disposed of.

Sd/-
B.KEMAL PASHA, JUDGE