

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

Crl.MC.No. 6021 of 2015 ()

**CC.NO.260/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
CRIME NO. 610/2015 OF KUNNAMANGALAM POLICE STATION, KOZHIKODE DISTRICT**

PETITIONER :

**MOIDEEN HAJI
S/O. AHMED HAJI, AGED 62 YEARS
ARIYIL HOUSE, KUNNAMANGALAM
KOZHIKODE.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE
KUNNAMANGALAM, KOZHIKODE-673 001.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 6021 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS :

**ANNEXURE A1: COPY OF THE FIR IN CRIME NO.610/2015 OF THE
KUNNAMANGALAM POLICE STATION, TRIPUNITHURA.**

ANNEXURE A2: COPY OF THE CHARGE SHEET.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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CRL.M.C. No.6021 of 2015
.....

Dated this the 27th day of October, 2015

ORDER

Petitioner is the first accused in Crime No.610/15 of the Kunnamangalam Police Station, presently pending as C.C.No.260/15 before the Judicial First Class Magistrate's Court, Kunnamangalam, registered for the offences punishable under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic(Prevention) Act,1956. The allegation against the petitioner is that he had permitted to make use of a portion of the lodge owned by him, for running a brothel.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. According to the learned counsel for the petitioner, the petitioner was away in Bangalore during the

relevant period and he was not aware of any of the transactions, and he is only a co-owner of a portion of the lodge. It is further argued that the lodge was being conducted by the Manager appointed by the owners of the lodge and the manager was the only person having direct knowledge of the transactions that were going on there. These matters have to be proved on the basis of evidence. This Court, at this stage, cannot weigh the intrinsic particulars of evidence collected by the investigating officer in the matter. At the same time, the petitioner can bring these matters to the notice of the court below at the stage of Section 239 Cr.P.C. In such a case, the court below shall pass appropriate orders, in accordance with law.

With liberty to the petitioner to approach the court below under Section 239 Cr.P.C., this CrI.M.C. is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge