

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

CrI.MC.No. 6059 of 2015 ()

CRIME NO. 652/2015 OF FEROKE POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

ABDUL RASHEED, AGED 40 YEARS,
S/O.HYDRU, PADANNAKKOT, KARUVANTHIRUTHY,
FAROKE, KOZHIKODE.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031
(CRIME NO.652/2015 OF FAROKE POLICE STATION
KOZHIKODE DISTRICT).

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 6059 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURE:

ANNEXURE-I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.652/2015 OF FAROKE POLICE STATION.

RESPONDENT'S ANNEXURE: NIL

/TRUE COPY/

P.S TO JUDGE

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K. RAMAKRISHNAN, J.

.....
Crl.M.C.No.6059 of 2015

.....
Dated this the 10th day of September, 2015.

O R D E R

This petition is filed by the petitioner for quashing the First Information Report in Crime No.652/2015 of Faroke police station in Kozhikode district under section 482 of the Code of Criminal Procedure.

2. The crime was registered against the petitioner alleging offences under section 379 of the Indian Penal Code and Sections 20 and 21 of the Kerala Protection of River Bank and Regulation of Removal of Sand Act, 2001. According to the petitioner, no offence under section 379 of the Indian Penal Code is attracted and he wants to quash the First Information Report on that ground.

3. When the case came up for hearing today, when this Court expressed the view that it is only under investigation stage and it is not possible at this stage to come to a conclusion as to whether offence under section 379 Indian Penal Code is attracted or not, counsel for the petitioner submitted that the petition can be disposed of with a direction

to the Magistrate to consider and dispose of the bail application on the date of filing of the application itself considering the objection raised by the petitioner in this petition also. So this petition is disposed of directing the Magistrate to consider and dispose of the bail application on the date of filing of the application itself considering the contention raised by the counsel for the petitioner as to whether allegations are sufficient to attract the offence under section 379 of the IPC only for the purpose of considering the question of bail after hearing the Assistant Public Prosecutor of that court in accordance with law.

Office is directed to communicate a copy of this order to the concerned court immediately.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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