

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6158 of 2015

CRIME NO. 74/2015 OF BALUSSERY EXCISE RANGE OFFICE, KOZHIKODE
.....

PETITIONER(S)/ACCUYSED NO.2:

**PAUL, S/O.APPACHAN, AGED 35 YEARS,
PAZHAKKAKULAM VEETIL, MARUMANNIL AMSOM,
NARIMADA DESOM, CHAKKITTAPARA VILLAGE,
CHAKKITTAPARA P.O., KOYILANDY TALUK, PIN:673 526.**

**BY ADVS.SRI.U.P.BALAKRISHNAN
SRI.K.R.AVINASH (KUNNATH)**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE EXCISE RANGE OFFICER, BALUSSERI,
KOZHIKODE DISTRICT, BALUSSERI P.O., PIN:673 612.**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY SENIOR PUBLIC PROSECUTOR SMT.SAREEJA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 6158 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: THE CERTIFIED COPY OF THE CRIME AND OCCURRENCE REPORT IN
CRIME NO.74/2015 OF BALUSSERY EXCISE RANGE OFFICE.**

**ANNEXURE A2: THE CERTIFIED COPY OF THE ORDER PASSED BY HON'BLE HIGH
COURT OF KERALA IN B.A.NO.4914/2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6158 of 2015
.....

Dated this the 15th day of September, 2015

ORDER

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Petitioner is the 2nd accused in Crime No.74/2015 of Balussery Excise Range registered for the offence punishable under Section 55(g) of the Abkari Act.

2. According to the petitioner, the only evidence being relied on by the investigating officer against him is the confession of the co-accused and nothing more.

3. When the investigation is in progress, it is too premature to consider the present Crl.M.C. In case of the petitioner's surrender before the court below and on his moving an application seeking bail, the court below shall dispose of the same on the date of filing itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

With the above direction, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/09