

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

CrI.MC.No. 6195 of 2015 ()

**MC.NO. 26/2015 OF SUB DIVISIONAL MAGISTRATE COURT, THALASSERY
DATED 18-04-2015
AGAINST THE ORDER IN CRL.MC. NO. 3133/2015 DATED 01-06-2015**

PETITIONER/COUNTER PETITIONER :

**K.V SUDHI,
AGED 37 YEARS, S/O.NANU,
VAKACHARTH HOUSE, CHERUVANCHERI AMSOM
THALASSERY TALUK.**

BY ADV. SRI. V. BINOY RAM

RESPONDENTS/PETITIONER :

- 1. STATE OF KERALA THROUGH S.I. OF POLICE,
KANNAVAM POLICE, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
- 2. THE SUB DIVISIONAL MAGISTRATE,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE, THALASSERY
PIN-670 101.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 6195 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-1 TRUE COPY OF THE PRELIMINARY ORDER DATED 18-04-2015
IN M.C.26/2015 ISSUED BY THE 2ND RESPONDENT.**

**ANNEXURE-2 TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN
CRL.M.C. NO.3133/2015 DATED 01-06-2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No. 6195 of 2015
.....

Dated this the 29th day of September, 2015

ORDER

Annexure-A1 preliminary order passed by the learned Sub Divisional Magistrate, Thalassery under Section 111 Cr.P.C. is under challenge.

2. It is the case of the petitioner that there was no information available to the learned Sub Divisional Magistrate that the petitioner is about to commit any offence affecting public tranquility. The learned Sub Divisional Magistrate in Annexure-A1 order has stated that the petitioner is the accused in (1) Crime No.115/2014 of the Kannavam Police Station for the offences punishable under Sections 143, 147, 341, 323, 294(b) and 506(i) read with

Section 149 IPC, (2) Crime No.325/14 of the said Police Station under Sections 447, 341 and 324 read with Section 34 IPC, (3) Crime No.342/14 of the said Police Station under Sections 143, 147, 148, 506(ii), 448, 353 and 427 read with Section 149 IPC, Section 25(1)(B) of the Arms Act and Sections 4 and 5 of the Explosive Substances Act and (4) Crime No.343/14 of the said Police Station under Sections 143, 147, 148 and 448 read with Section 149 IPC.

3. The order is self-speaking. Much discussion is not required to conclude that information allegedly received by the learned Sub Divisional Magistrate for enabling him to pass Annexure 1 order is not unfounded. Matters being so, there is absolutely nothing to interfere with the impugned order.

In the result, this Crl.M.C. is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge