

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Crl.MC.No. 6544 of 2015

CRIME NO. 858/2015 OF PUNNAPRA POLICE STATION , ALAPPUZHA

PETITIONER(S)/2ND ACCUSED:

**ANEESH KUMAR, AGED 32 YEARS,
S/O.THANKAPPAN, PUTHUVAL VEEDU, WARD NO.14,
PUNNAPRA SOUTH PANCHAYATH, ALAPPUZHA.**

BY ADV. SRI.VISHNURAJ

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE SHO OF POLICE,
PUNNAPRA POLICE STATION, ALAPPUZHA,
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6544 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I- CERTIFIED COPY OF F.I.R AND SEIZURE MAHAZAR FILED BY
PUNNAPRA POLICE, ALAPPUZHA AS CRIME NO.858/2015 BEFORE
THE J.F.C.M COURT 1, AMBALAPPUZHA.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.6544 of 2015 D
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Dated this the 6th day of November, 2015

ORDER

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Petitioner is the 2nd accused in Crime No.858/2015 of Punnapra Police Station registered for the offences punishable under Sections 55(a) and 55(i) of the Abkari Act.

2. The allegation against the petitioner is that he, being the owner of Tata Iris vehicle bearing registration No.KL-04AD-7975, was found transporting 6 litres of IMFL on 13.08.2015 at 4.45 p.m. According to the investigating officer, it was the 1st accused, who was keeping the said quantity of IMFL in his possession in the vehicle, and the same was meant for sales. According to the petitioner, when two persons are involved in such an incident, it was only permissible quantity of IMFL that was being possessed

by them and, therefore, the offence alleged against the petitioner is not legally sustainable. It is too premature to consider the said question as to whether both the persons were involved in the incident and both the persons had separately procured the said quantity of IMFL from the Beverages Corporation. The matter has to be investigated. Let the investigation go on and let the investigating officer finalise the investigation. In case of any further complaints when final report comes, it is open to the petitioner to approach this Court or appropriate authority again.

With the said liberty to the petitioner, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/11

// True Copy //

PA to Judge