

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 5572 of 2013 ()

CRIME NO. 169/2013 OF SULTHAN BATHERY EXCISE RANGE OFFICE, WAYANAD

PETITIONER(S)/ACCUSED:

**HARIDAS, AGED 34 YEARS,
S/O.THANKACHAN, ALLIYANKAL-HOUSE, PO-KABANIGIRI,
PULPPALLI-VIA, WAYANAD DISTRICT.**

**BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V**

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA
(EXCISE INSPECTOR IN CRIME NO.169/2013 OF
SULTHAN BATHERY EXCISE RANGE)
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, COCHIN-31.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 01-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5572 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I : CERTIFIED COPY OF THE OCCURRENCE REPORT IN CRIME NO.169 OF
2013 OF SULTHAN BATHERY EXCISE CRIME.**

ANNEXURE-II : TRUE COPY OF THE MAHAZAR PREPARED IN CRIME NO.169/2013.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 5572 of 2013

Dated 1st July, 2015

ORDER

1. In this Criminal Miscellaneous Case, the petitioner has prayed for quashing Annexure-I occurrence report in Crime No.169/2013 of Sulthan Bathery Excise Range on the files of the Judicial Magistrate of the I Class -II , Sulthan Bathery. It is the case of the petitioner that he was falsely implicated in the said crime registered by the Excise authorities.

2. When the case was originally filed, the petitioner was granted an interim order of stay of all further proceedings in the aforesaid crime and even now the matter stands stayed.

3. When the case came up for hearing, finding that

this Court was not inclined to quash the proceedings, the learned counsel has requested that he would be satisfied if necessary orders are passed permitting the petitioner to surrender before the Court below and to apply for regular bail. The learned counsel for the petitioner has submitted that the petitioner is prepared to co-operate with the investigation. I do not see any reason why the prayer sought for shall not be granted .

4. In the result, this petition is disposed of with direction to the court of the Judicial Magistrate of the I Class -II, Sulthan Bathery that in case the petitioner surrenders before the said court on or before 15.7.2015, and prefers an application for bail, the same shall be considered and decided on merits and in accordance with law on the date of surrender itself.

5. At the time of consideration of the Bail Application, the learned Magistrate shall take note of the fact that the

petitioner was prosecuting the Criminal Miscellaneous Case and also that an interim order was granted in his favor by this court during its pendency.

Crl.M.C is disposed of as above.

Sd/-

**RAJA VIJAYARAGHAVAN.V.
Judge**

MrCs

//True Copy//