

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Crl.MC.No. 6647 of 2015 ()

CRIME NO. 484/2013 OF CHERUTHURUTHY POLICE STATION, THRISSUR DISTRICT

PETITIONER/2ND ACCUSED :

**GEETHA T.,
AGED 58 YEARS, W/O.N.P.PRAKASH, 'KAUTHUBHAM'
11TH CROSS ROAD, UDAYA NAGAR, AYYANTHOLE
THRISSUR.**

**BY SENIOR ADVOCATE SRI.RENJITH THAMPAN
BY ADV.SMT.P.RREENA**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031.**
- 2. STATION HOUSE OFFICER
CHERUTHURUTHY POLICE STATION,
THRISSUR, PIN 679 531.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 6647 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I - TRUE COPY OF THE FIR IN CR.NO.484/2014 OF
CHERUTHURUTHY POLICE STATION, THRISSUR DISTRICT.**
- ANNEXURE II - TRUE COPY OF THE STATEMENT FILED BY THE PANCHAYATH
BEFORE THE DISTRICT COLLECTOR DATED 23.05.2013.**
- ANNEXURE III - TRUE COPY OF THE DECISION NO.449(20) DATED 17.09.2014 OF
VALLATHOL NAGAR GRAMA PANCHAYATH.**
- ANNEXURE IV - TRUE COPY OF THE FINAL REPORT FILED BY THE
PROSECUTION IN CR.NO.484/2013 OF CHERUTHURUTHY
POLICE STATION.**
- ANNEXURE V - TRUE COPY OF THE MAHAZAR DATED 01.06.2013 IN
CR.NO.484/2013 OF CHERUTHURUTHY POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6647 of 2015

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Dated this the 29th day of October, 2015

ORDER

The petitioner is the 2nd accused in C.C.No.2107/2013 of the Judicial First Class Magistrate's Court, Wadakkanchery, which has arisen from Crime No.484/2013 of the Cheruthuruthy Police Station, Thrissur District, registered for the offences under Sections 20, 21 and 12(6) of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The proceedings clearly show that the crime itself was registered on the direction of the Revenue Divisional Officer, Thrissur.

2. The petitioner was the Secretary of Vallathol Nagar Grama Panchayat and presently, she has retired from service. Her complaint is that due to the pendency of the said criminal proceedings, she has not been given her retirement benefits.

3. The allegation against the petitioner in Annexure -IV final report is that the 1st accused, who was the supervisor of the Kadavu in question, had kept open the gate installed at the Kadavu by the Grama Panchayat, with the knowledge of the present petitioner for enabling persons to collect sand illegally from the kadavu. Apart from such a vague allegation, no specific allegation is there as against the petitioner. It seems that the petitioner is unnecessarily dragged into such a matter. Even if the prosecution proceedings are proceeded with against the petitioner, there is no chance for a conviction in the matter as no specific allegations are there against the petitioner.

4. Considering the said aspect, this Court is satisfied that the proceedings against the petitioner in C.C.No.2107/2013 of the Judicial First Class Magistrate's Court, Wadakkanchery, based on Annexure -IV final report are liable to be quashed.

In the result, this Crl.M.C is allowed and the

proceedings against the petitioner in C.C.No.2107/2013 of the Judicial First Class Magistrate's Court, Wadakkanchery, based on Annexure -IV final report, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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