

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 7164 of 2015 ()

**SC.NO. 172/2014 OF ADDITIONAL SESSIONS COURT - V, KOZHIKODE
DATED 29-06-2015**

CRIME NO. 616/2011 OF NADAKKAVU POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED NO. 20 :

**A.N.SHAMSEER, AGED 38 YEARS
S/O.K.USMAN, AMEENAS, PARAL P.O.,
KODIYERI, THALASSERY, KANNUR DISTRICT.**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS.SRI.V.C.SARATH
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 7164 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A. TRUE COPY OF THE FINAL REPORT IN CRIME NO.616/2011 OF
NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT.**

**ANNEXURE-B. TRUE COPY OF THE ORDER OF DISCHARGE UNDER
SECTION 227 CR.PC OF SOME ACCUSED PERSONS IN CRIME
NO.616/2011 OF NADAKKAVU POLICE STATION PASSED BY
THE ADDITIONAL SESSIONS JUDGE-V, KOZHIKODE IN SC.
NO. 172/2014 DATED 29/6/2015.**

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 7164 of 2015
.....

Dated this the 17th day of November, 2015

ORDER

Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

2. It seems that the court below has passed an order by which three among the accused in S.C.No.172/2014 of the court below have been discharged. The said order seems to be patently illegal. Most of the discussions in the order and the observations made therein are not legally sustainable. This Court, at this stage, is not going into the merits or otherwise of the said order, as the said persons, who are discharged by the court below, are not parties to the present proceedings.

3. On hearing the learned Senior Counsel for the

petitioner, this Court is of the view that the present stage is too premature to consider the matters on merits. It seems that charges have been framed in the matter. Let the petitioner also face the trial.

In the result, this Crl.M.C. is closed, with liberty to the petitioner to take up all these contentions during the trial.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge