

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Crl.MC.No. 7264 of 2015

**C.C.NO.633/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHENGANNOOR
CRIME NO. 1662/2012 OF CHENGANNOOR POLICE STATION ,
ALAPPUZHA DISTRICT**

PETITIONER(S)/ACCUSED NOS 1 & 2 :

- 1. RAVEENDRA NATH SANKAR, AGED 70 YEARS,
S/O.DAMODARA PILLAI, PADINJARE VELIYATH HOUSE,
MAZHUKKEER KEEZHUMURIYIL, THIRUVANVANDOOR VILLAGE,
CHENGANNOOR TALUK.**
- 2. AMMINI RAVEENDRA NATH, AGED 60 YEARS,
W/O.RAVEENDRA NATH, PADINJARE VELIYATH HOUSE,
MAZHUKKEER KEEZHUMURIYIL, THIRUVANVANDOOR VILLAGE,
CHENGANNOOR TALUK.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT & 3RD ACCUSED :

- 1. STATE OF KERALA,
REPRESENTED BY DIRECTOR GENERAL OF PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
CHENGANNOOR- 689 520.**
- 3. DR.THOMAS PHILIP @ PHILIP, AGED 86 YEARS,
S/O.THOMAS, KALLUMADIYIL HOUSE, PENNOOKKARA VADAKKU
MURI, ALA VILLAGE, CHENGANNOOR TALUK- 689 520.**
- 4. THANKACHAN, AGED 62 YEARS,
KODATHUM PATTU VADAKKETHIL HOUSE, PENNOOKKARA
VADAKKU MURI, ALA VILLAGE, CHENGANNOOR TALUK- 689 520.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1662/12-C.C.NO.633/14 OF JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1, CHENGANNOOR DATED 30.11.2012.

ANNEXURE A2: CERTIFIED COPY OF FIR IN CRIME NO.1662/2012 OF CHENGANNOOR POLICE STATION DATED 17.11.2012.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7264 of 2015
.....

Dated this the 18th day of November, 2015

ORDER

~ ~ ~ ~ ~

Heard learned counsel for the petitioners.

2. Petitioners are the accused in CC No.633/2014 of Judicial First Class Magistrate's Court-I, Chengannur for the offences punishable under Sections 188 and 434 read with Section 34 IPC.

3. Apparently, the offence under Section 188 IPC is not maintainable and the court cannot take cognizance of the said offence as it is hit by Section 195(1)(a)(i) Cr.P.C. since the case is not through a complaint in writing of the concerned public servant. With regard to the offence under Section 434 IPC, the court below shall take note of the fact that it is an offence which is a non-cognizable one and a bailable one. The offence under Section 188 IPC will not lie in the case. Being a bailable offence, the petitioners need

not entertain an apprehension that the court below can deny bail to them in case of their surrender before the court below for the offence under Section 434 IPC.

4. The court below shall dispose of the application seeking bail that may be filed by the petitioners before the court below on their surrender within a period of ten days from today, on the date of filing itself, by taking note of the fact that the offence under Section 434 IPC is bailable.

CrI.M.C. is disposed of accordingly.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/11

// True Copy //

PA to Judge