

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Crl.MC.No. 6183 of 2014

**CC 1016/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THAMARASSERY
CRIME NO. 214/2014 OF THIRUVAMBADI POLICE STATION, KOZHIKODE**

PETITIONER(S)/ACCUSED:

**SIMON THONAKKARA,
PRESIDENT, MALABAR VIKASANA MUNNANI, KULIRAMUTTY.P.O.,
KOZHIKODE-673 604.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. ELIYAMMA GEORGE,
PRESIDENT, THIRUVAMBADY GRAMA PANCHAYATH,
THIRUVAMBADY.P.O., KOZHIKODE-673 541.**
- 2. SUB INSPECTOR OF POLICE,
THIRUVAMBADY POLICE STATION, KOZHIKODE-673 541.**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

R2 & 3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE I- COPY OF THE FINAL REPORT IN CC 1016/14 IN CR.NO.214/2014.

**ANNEXURE II- TRUE COPY OF THE PETITION PREFERRED BY THE PETITIONER TO
DIRECTOR, VIGILANCE AND ANTI CORRUPTION BUREAU DATED
17.7.2014.**

**ANNEXURE III- COPY OF THE ORDER OF CHIEF ENGINEER TO THE EXECUTIVE
ENGINEER, DISTRICT PANCHAYATH KOZHIKODE DATED 31.12.2012.**

**ANNEXURE IV- TRUE COPY OF THE GOVERNMENT ORDER NO.52257/EW2/12/LSGD
DATED 5.12.12.**

**ANNEXURE V- TRUE COPY OF THE ORDER ISSUED BY THE VIGILANCE AND ANTI
CORRUPTION BUREAU TO THE PETITIONER DATED 29.11.2008.**

**ANNEXURE VI- TRUE COPY OF THE ORDER ISSUED BY THE STATE PUBLIC
INFORMATION OFFICER TO THE PETITIONER DATED 13.10.2009.**

ANNEXURE VII- COPY OF THE BAIL ORDER IN BA 5874/14 OF THIS HON'BLE COURT.

**ANNEXURE VIII- COPY OF THE REPORT OF EXECUTIVE ENGINEER TO THE 2ND
RESPONDENT DATED 16.8.2014.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6183 of 2014
.....

Dated this the 25th day of September, 2015

ORDER

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Petitioner is the accused in CC.1016/2014 of the Judicial First Class Magistrate's Court-II, Thamarassery for the offence punishable under Section 3(1) of the PDPP Act. The allegation against the petitioner is that on 10.07.2014 in between 3.30 pm and 4 pm, he sprinkled diesel on the newly constructed Koodaranhi - Thiruvambadi road, thereby causing a wrongful loss of ₹17,340/- to the government. According to the petitioner, there was longstanding enmity between the petitioner and the contractor, who was engaged to construct the road. In the case, the petitioner was granted anticipatory bail also by considering the said enmity between the parties.

2. The present request of the petitioner is to get all the proceedings in CC.1016/2014 of the Judicial First Class

Magistrate's Court-II, Thamarassery, quashed. The present stage is too premature to consider such a request. The fact that the petitioner was granted anticipatory bail do not weigh with this Court at present to quash the entire proceedings in the absence of any further materials. It is a matter which requires evidence. Matters being so, the present request is too premature and, therefore, this Crl.M.C. is only to be closed.

In the result, this Crl.M.C. is closed with liberty to the petitioner to approach this Court or the appropriate forum at appropriate stage.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/09

// True Copy //

PA to Judge