

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Cr1.MC.No. 7483 of 2015 ()

CC 2091/2013 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
NEYYATINKARA
CRIME NO. 124/2013 OF KOVALAM POLICE STATION,
THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

PREM KUMAR, AGED 50 YEARS,
S/O.SAKARIA, ASHA NIVAS, POZHIYOOR,
KULATHOOR VILLAGE, NEYYATTINKARA,
WORKING AS ASI POOTHURA POLICE STATION,
THIRUVANANTHAPURAM.

BY ADVS.SRI.V.S.BABU GIREESAN
SMT.K.PREETHA JOHN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. SUBHASH, AGED 33 YEARS,
S/O.SABU, RESIDING AT PANAYIL VEEDU, VELLAR,
MUTTAKKADU DESOM, VENGANOOR VILLAGE.

R1 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/2/12/15

Cr1.MC.No. 7483 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: COPY OF THE CHARGE OF OFFENCE UNDER 294 (B) AND
323 IPC.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/2/12/15

B.KEMAL PASHA, J.

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Crl.M.C. No.7483 of 2015

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Dated this the 1st day of December, 2015

ORDER

A lawyer was allegedly taken into custody by the petitioner herein under the colour of his office as the Sub Inspector of Police, Kovalam Police Station. It is alleged that unnecessarily, he was detained. He was tortured, humiliated and was called bad names. Filthy language was allegedly used by the petitioner.

2. Presently, there is absolutely nothing to show that this is a case in which sanction is required. When an offence under Section 294(b) is also alleged, the petitioner cannot be heard to say that such a matter was part of his official duty or such filthy language was used in discharge of his official duties. Of course, whether such an offence is committed or not is a question that has to be proved through a trial. Let the petitioner face the trial. Presently, there is nothing to quash the proceedings against the

petitioner in C.C.No.2091 of 2013 of the Judicial First Class Magistrate's Court, Neyyattinkara.

This Crl.M.C. fails and is dismissed. The court below shall expedite the trial in the matter.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/1/12/15

// True Copy //

P.A. To Judge