

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6332 of 2014 ()

CC.NO. 1184/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ,ATTINGAL

PETITIONERS/ACCUSED 1 & 2 :

**1. SHABU
S/O.ABDUL RASHEED, AGED 45 YEARS
T.V. HOUSE, KAVUNADA ROAD
ALAMCODE P.O., ATTINGAL,
THIRUVANANTHAPURAM.**

**2. ANEESA,
W/O.SHABU, AGED 40 YEARS
T.V. HOUSE, KAVUNADA ROAD
ALAMCODE P.O., ATTINGAL,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENT/STATE :

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

***ADDL. R2 IMPEADED**

***ADDL.R2. BINU SREENIVASAN
"DILEEP DAYAL', VENGODU
PALAYAMKUNNU P.O.**

***IS IMPEADED AS ADDL. 2ND RESPONDENT AS PER ORDER DATED 25/9/15
IN CRL.M.A. NO. 9464/2015 IN CRL.M.C NO. 6332/14.**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 6332 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A- CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.114/2013 OF ATTINGAL POLICE STATION ALONG
WITH THE COMPLAINT FILED BY CW1 BEFORE CIRCLE
INSPECTOR OF POLICE, ATTINGAL.**
- ANNEXURE B- CERTIFIED COPY OF FINAL REPORT IN CRIME NO.114/13 OF
ATTINGAL POLICE STATION.**
- ANNEXURE C- CERTIFIED COPY OF STATEMENT OF CW1 RECORDED UNDER
SECTION 161 OF CR.P.C.**
- ANNEXURE D- CERTIFIED COPY OF STATEMENT OF CW2 RECORDED UNDER
SECTION 161 OF CR.P.C.**

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.6332 of 2014
.....

Dated this the 7th day of October, 2015

ORDER

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Petitioners are the accused in CC No.1184/2013 of the Judicial First Class Magistrate's Court-I, Attingal, which has arisen from Crime No.114/2013 of the Attingal Police Station for the offences punishable under Sections 170 and 420 read with Section 34 IPC. The allegation against the petitioners is that the 1st petitioner impersonated himself as the Dy.S.P., Vigilance, Kannur, and approached the de facto complainant along with the 2nd petitioner, who is the wife of the 1st petitioner and obtained an amount of ₹11 lakhs from him.

2. According to the petitioners, there are no materials to invite the said offences against them. On going

through the contents of the final report, this Court is of the view that it is too premature to say anything with regard to the merits or otherwise of the allegations against the petitioners. This Court cannot go into the intrinsic particulars of the evidence collected by the investigating officer on merits, at present. At the same time, the petitioners can approach the court below under Section 239 Cr.P.C. in case they are entitled to have discharge.

Without prejudice to the right of the petitioners to approach the court below under Section 239 Cr.P.C., this CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/10

// True Copy //

PA to Judge