

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Crl.MC.No. 7525 of 2015

**MC 155/2015 OF SUB DIVISIONAL MAGISTRATE COURT, KASARGOD.
CRIME NO. 385/2015 OF HOSDURG POLICE STATION , KASARGOD.**
.....

PETITIONER:

**AHAMMED AFSAL,S/O. HAMSA, AGED 20 YEARS,
RESIDING AT ASEES MANZIL, IQBAL NAGAR,
KOLAVAYAL, AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S)/STATE :

- 1. THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD, KANHANGAD P.O.,
KASARAGOD DISTRICT-671 123.**
- 2. THE SUB INSPECTOR OF POLICE
HOSDURG POLICE STATION,
KASARAGOD DISTRICT-671 121.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 7525 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 : THE CERTIFIED COPY OF THE ORDER DTD.1.10.2015 IN
 MC NO.155/2015 ON THE FILE OF THE SUB DIVISIONAL
 MAGISTRATE'S COURT, KASARAGOD AT KANHANGAD.**

RESPONDENT(S)' ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 7525 of 2015
.....

Dated this the 10th day of December, 2015

ORDER

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. What is under challenge is Annexure A1 proceedings of the learned Sub Divisional Magistrate, Kasaragod at Kanhangad, in M.C.No.155/2015 filed under Section 107 Cr.P.C. The M.C. has been initiated on the basis of Crime No.385/2015 registered by the Sub Inspector of Police, Hosdurg under Section 107 Cr.P.C.

3. On going through the impugned order, it seems that the learned Sub Divisional Magistrate was satisfied with regard to the likelihood of the breach of the peace and to disturb the public tranquility by the petitioner. It seems that he is an accused in (1) Crime No.31/2015 of the said Police Station for the offences punishable under Sections 341,

323, 324 and 308 read with Section 34 IPC and (2) Crime No.156/2015 of the said Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 307 read with Section 149 IPC. Further, according to the investigating officer, the petitioner is a frequent trouble shooter of the locality. Pendency of the aforesaid crime as against the petitioner reveals that he was involved in two serious offences. The same, coupled with the report, is sufficient to form an opinion in the mind of the learned Sub Divisional Magistrate with regard to the likelihood of the breach of the peace as well as the likelihood of the petitioner to disturb the public tranquility. Matters being so, there is absolutely nothing to interfere with the impugned order at present. Therefore, this Crl.M.C. is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Crl.M.C. stands dismissed.

Sd/- **B. KEMAL PASHA, JUDGE.**

UI/-

// true copy //

P.S. to Judge.