

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Crl.MC.No. 7567 of 2015

C.C.NO.1144/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD

PETITIONER(S) :

**MARIYA PRASAD, AGED 39 YEARS,
W/O.PRASANNAKUMAR, KURAKKATHIL HOSUE, HARIPPAD P.O.,
ALAPPUZHA.**

BY ADV. SRI.JAMES ABRAHAM (VILAYAKATTU)

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
KALAMASSERY, REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: A CERTIFIED COPY OF THE FIR IN CRIME NO.489/2015.

**ANNEXURE A2: A CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.489/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 7567 of 2015
.....

Dated this the 14th day of December, 2015

ORDER

Petitioner is the 2nd accused in C.C.No.1144/2015 of the Judicial First Class Magistrate's Court, Kakkanad, which has arisen from Crime No.489/2015 of the Thrikkara Police Station, registered for the offences punishable under Sections 3, 4 and 5 of the Immoral Traffic Prevention Act, 1956. According to the petitioner, there is no sufficient evidence in the matter to connect her with the offences alleged.

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

3. On hearing either side, this Court is of the view

that all the matters pointed out by the learned counsel for the petitioner are matters, which can be brought to the notice of the court below. Of course, this Court cannot go into the intrinsic particulars of the evidence collected by the investigating officer and weigh the evidence properly. The petitioner can approach the court below at the stage of Section 239 Cr.P.C, with an application seeking discharge. In such case, the court below shall consider the matter and decide it on merits, in accordance with law.

Leaving such an opportunity to the petitioner, this Crl.M.C. is closed. The court below shall not insist the personal appearance of the petitioner till the stage of Section 239 Cr.P.C.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge