

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Cr1.MC.No. 6703 of 2014 ()

CC 1743/2012 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-III,
PALAKKAD

CRIME NO. 275/2012 OF MALAMPUZHA POLICE STATION, PALAKKAD

PETITIONER/ACCUSED:

JOHN THOMAS, AGED 53 YEARS,
S/O THOMAS, PARAYIL HOUSE, VIDYA NAGAR,
KALLEKULANGARA POST, PALAKKAD DISTRICT, PIN:678009.

BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.T.B.GAFOOR
SRI.A.D.SURESH BABU

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE SUB INSPECTOR OF POLICE,
MALAMPUZHA POLICE STATION, MALAMPUZHA,
PALAKKAD DISTRICT, PIN:678 651.

BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/28/11/15

Cr1.MC.No. 6703 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.275/2012 OF
MALAMPUZHA POLICE STATION.

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.275/2012 OF
MALAMPUZHA POLICE STATION.

ANNEXURE A3: COPY OF THE FIR IN CRIME NO.273/2012 OF
MALAMPUZHA POLICE STATION.

ANNEXURE A4: COPY OF THE FIR IN CRIME NO.274/2012 OF
MALAMPUZHA POLICE STATION.

ANNEXURE A5: COPY OF SCENE MAHAZAR IN CRIME NO.273/2012 OF
MALAMPUZHA POLICE STATION.

ANNEXURE A6: COPY OF THE STATEMENT OF NANDAKUMAR, IN CRIME
NO.275/2012 OF MALAMPUZHA POLICE STATION.

ANNEXURE A7: COPY OF THE EXTRACT OF GENERAL DAIRY FOR THE DAY
7.5.2012 OF MALAMPUZHA POLICE STATION.

ANNEXURE A8: COPY OF THE DEPARTMENTAL ENQUIRY REPORT DATED
31.09.2013 IN KERALA POLICE P.R. OF 199

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/28/11/15

B. KEMAL PASHA, J.

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Crl.M.C. No.6703 of 2014 F
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Dated this the 26th day of November, 2015

ORDER

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Heard learned counsel for the petitioner.

2. It seems that the arguments forwarded by the learned counsel for the petitioner are not sufficient at present to quash the criminal proceedings against the petitioner. Of course, the petitioner has got a case that there is reason for animosity on the part of the investigating officer towards the petitioner and consequently, the petitioner has been falsely implicated in a case like this. It has also been pointed out that in the departmental action, the petitioner has been exonerated by finding that there is no evidence against the petitioner in the matter. The trial

court can consider these matters during the trial of the case. Those matters cannot be taken by this Court as grounds to quash the criminal proceedings.

3. The court below shall advance the case to a nearest date, issue summons to the witnesses, and continue with the trial. The court below shall dispose of the case expeditiously.

With the aforesaid directions, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/26/11

// True Copy //

PA to Judge