

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Cr1.MC.No. 7107 of 2014

IN C.C NO.1079/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PARAPPANANGADI

CRIME NO. 659/2010 OF THIRURANGADI POLICE STATION, MALAPPURAM

PETITIONER/ (IST ACCUSED) :

NIHAR, AGED 42 YEARS,
D/O. MOIDEEN KHAN,
CHERIYIL HOUSE, VELLANIKKARA,
THRISSUR.

BY ADVS.SRI.JAI GEORGE
SMT.DAISY A.PHILIPOSE

RESPONDENT/RESPONDNET:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7107 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.659/2010 DATED
5.10.2010.

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.659/2010 OF
TIRURANGADI POLICE STATION, NOW PENDING AS C.C.NO.1079/2012 ON
THE FILES OF JFCM-1, PARAPPANAGADI.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7107 of 2014

Dated this the 5th day of March, 2015

O R D E R

The petitioner herein is the 1st accused in C.C No.1079/2012 of the Judicial First Class Magistrate Court I, Parappanangadi. The allegation against him is that he produced some forged documents containing the false signature and seal of some authorities including the Village Officer, before the Medical authority for Kidney transplantation purposes. The allegation is that the accused Nos.2 and 3 created these forged documents, and the 1st accused produced the documents on behalf of his brother before the medical authority. The petitioner seeks orders quashing the prosecution as against him on the ground that there is nothing to show that the documents were in fact produced by him with the knowledge that the documents are forged documents. The report submitted by the Sub Inspector of Police, Tirurangadi shows that the police could collect materials to show that the forged documents were in fact produced by the petitioner with the knowledge that the documents are forged. Whether the petitioner had the required

knowledge, is in fact a matter to be decided by the trial court. Whether he had such knowledge, or whether he innocently produced the documents, cannot be decided by this Court in this proceeding under Section 482 of the Code of Criminal Procedure. Such decision requires evidence, and on the basis of evidence, the trial court will have to find whether the petitioner produced such forged documents with knowledge or without knowledge. The petitioner will have to face trial before the learned Magistrate. I am not inclined to quash the prosecution at this stage. However, he can make application for discharge before the learned Magistrate, if charge is not already framed by the Court.

In the result, this Criminal Miscellaneous Case is dismissed, without prejudice to the right of the petitioner to plea for discharge before the trial court, if the trial court has not already framed charge.

**P.UBAID
JUDGE**

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