

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 7427 of 2014

**CC 513/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - IV, KOZHIKODE
CRIME NO. 350/2013 OF VELLAYIL POLICE STATION, KOZHIKODE**
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PETITIONER(S)/ACCUSED:

**SANJEEV KUMAR K.P., AGED 42 YEARS,
S/O.LATE ASHOK KUMAR, KARIYATHU PANAKADA,
KUTHIRAVATTOM P.O., KATTULLY, KOZHIKODE,
NOW RESIDING AT KARTHIKA, PALLIKKUNNU P.O., KANNUR.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 301.
(SHO, VELLAYIL POLICE STATION).**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7427 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: PHOTOCOPY OF FINAL REPORT IN CRIME 350/13 VELLAYIL POLICE STATION.

ANNEXURE B: THE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE REGISTRAR OF NEWSPAPERS FOR INDIA.

ANNEXURE C: THE PHOTOCOPY OF THE NAME OF THE NEWSPAPER.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.7427 of 2014

Dated this the 2nd day of February, 2015

O R D E R

The petitioner herein seeks orders quashing the prosecution against him in C.C.No.513/2014 of JMFC Court-IV, Kozhikode (Crime No.350/2013 of the Vellayil Police Station of Kozhikode District), brought under Section 15 of the Press and Registration of Book Act,1867. The police registered the said crime on the basis of a letter from the Deputy Collector, Kozhikode, regarding violation of the said provision. The petitioner seeks orders on the ground that the said offence is non-cognizable, and so the police is really incompetent to file the final report under Section 173(2) Cr.P.C. This Court required the Station House Officer to explain how the said crime happened to be registered and investigated, and how final report happened to be filed in the case, when the offence is non-cognizable. In the statement filed on 19.01.2015 through the learned Public Prosecutor, the Sub Inspector has admitted that the offence is in fact non-cognizable, but he does not explain how he happen registered the FIR, or investigate the case, or submit final report.

He has stated that there is something to believe that it falls under Section 467 IPC. It is not known how, on the allegations made in the FIR and final report, an offence punishable under Section 467 IPC could be made out. This is not at all a case of forgery or cheating. This is simply a case of violation of Section 15. The offence is admittedly non-cognizable, and so this prosecution based on police FIR and final report will have to be quashed. Of course, this order will not stand in the way of proper prosecution under the law, on complaint, of course subject to the law of limitation.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.513/2014 of the Judicial First Class Magistrate Court-IV, Kozhikode will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioner will stand released from prosecution. The bail bond, if any, executed by the petitioner will stand discharged.

Sd/-

P. UBAID, JUDGE

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