

K.H.Rasheed Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : K.H.Rasheed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 OP(Crl.).No. 4026 of 2012 (Q) ----- AGAINST THE ORDER/JUDGMENT IN CC.329/2001 of JUDICIAL FIRST CLASS MAGISTRATE-I,KOZHIKODE PETITIONER: ----- K.H.RASHEED, S/O.HAMEED,KAROLI VEEDU,H NO IV/350, SEEEMOOLANAGARAM,KALADY. BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENT(S): ----- STATE OF KERALA, REPRESENTED BY SI OF TOWN POLICE STATION, KOZHIKODE REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA-682 031. BY SMT.V.H.JASMINE, GOVERNMENT PLEADER THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: AS OP(Crl.).No. 4026 of 2012 (Q) APPENDIX PETITIONER(S) EXHIBITS: EXHIBIT P1: CERTIFIED COPY OF THE JUDGMENT IN CC NO

329/2001 DATED 22 11.2007 PASSED BY JFCM-I, KOZHIKODE.
RESPONDENTS' EXHIBITS: NIL /TRUE COPY/ P.A.TO JUDGE AS
T.R.RAMACHANDRAN NAIR, J.

----- O.P.(Crl) No. 4026 of 2012 -----
----- DATED THIS THE 31st DAY OF JANUARY, 2013 JUDGMENT
The prayer is to quash the prosecution and the proceedings in C.C. No.531/2007 pending on the file of the Judicial First Class Magistrate Court -I, Kozhikode. It is pointed out by the learned counsel for the petitioner that the the petitioner was the fifth accused in the said case and the case was split up and all the other accused have been acquitted as evident from Ext.P1 judgment. It is seen that the case is now pending as L.P.No.11/2012.

2. My attention was invited to paragraphs 7 and 8 of the judgment, Ext.P1. It appears that the court was of the view that the evidence adduced by the prosecution that film was exhibited without certificate issued by the Central Board of Film Certification, already stands disproved. It is submitted that the petitioner was only an employee.

3. It is submitted by the learned counsel for the petitioner that the petitioner could not appear before the court, as summons was not received and thereafter he was out of State also.

4. The petitioner will surrender before the court within a period of two weeks from today and if he files an application for bail, the same will O.P.(Crl.).No.4026/2012 - 2- be considered preferably on the same date of surrender. The court will be free to fix appropriate conditions for the grant of bail. The Crl.M.C. is disposed of as above. No costs. (T.R.RAMACHANDRAN NAIR, JUDGE) kav/

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