

Shakeeb I. Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shakeeb I.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7143 of 2013 ()
----- CRIME NO. 1282/2013 OF PUDUNAGARAM POLICE STATION , PALAKKAD DISTRICT. APPLICANT/ACCUSED:
----- SHAKEEB I. AGED 30 YEARS S/O ISMAIL, MELE EZHUTHANI HOUSE, MELE EZHUTHANI VANDITHAVALAM, PALAKKAD-678 534. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss THOMAS P.JOSEPH, J ----- B.A No.7143 of 2013
----- Dated this the 31st day of October, 2013

ORDER

Petitioner is accused, in Crime No.1282 of 2013 of the Pudunagaram Police Station for the offences punishable under Sections 465, 468 and 471 of the Indian Penal Code for allegedly forging a memo issued by the Kerala Public Service Commission to him in the name of one Sreejith, sending the same to Sreejith who went to the office of the Kerala Public Service Commission and when it was revealed that the memo produced by Sreejith is a forged document.

2. Learned counsel submits that even in the vigilance enquiry it is revealed that there was only an attempt to cheat Sreejith. It is also submitted that the original memo given to the petitioner is kept intact and that the petitioner allegedly sent its photocopy as if a memo addressed to Sreejith. It is vehemently argued that the offence of forgery is not attracted.

3. I have heard the learned Public Prosecutor also.

4. Having regard to the factual situation, the appropriate course is to direct the petitioner surrender before the B.A No.7143 of 2013 2 investigating officer where it is open to the petitioner to produce the relevant records. Primarily, it is for the investigating officer to look into whether the offence alleged is revealed. Resultantly, this application is disposed of as under: i) The petitioner shall report to the officer, investigating Crime No.1282 of 2013 of the Pudunagaram Police Station on 6.11.2013 at 10 am. for interrogation. ii) In case interrogation is not completed that day, the said officer can direct the petitioner to appear before him on other date/dates and time which the petitioner shall comply. iii) The investigating officer shall look into the plea raised by the petitioner, whether there was any tampering of the original memo if any and what if any, is the offence made out. iv) In case the petitioner is arrested after interrogation, he shall be produced before the learned Magistrate on the same day. It is open to the petitioner to request the learned Magistrate for bail on such production. B.A No.7143 of 2013 3 v) Petitioner shall give intimation to the Assistant Public Prosecutor at least three working days in advance of his intention to move the application for bail. vi) In case custodial interrogation if any of the petitioner is required, it is open to the investigating officer to move application before the learned Magistrate. vii) The learned Magistrate shall decide on the requests as

early as possible having regard to the facts of the case and the circumstances emerged from questioning of the petitioner as well. THOMAS P.JOSEPH JUDGE
ab

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