

Davis Vs. Ouseph

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Court : Kerala

Decided On : Nov-27-2013

Judge : Honourable Mr.Justice Thottathil B.Radhakrishnan

Appellant : Davis

Respondent : Ouseph

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 27TH DAY OF NOVEMBER 2013 6TH AGRAHAYANA, 1935 Bail Appl..No. 7604 of 2013 () ----- CRIME NO. 1834/2013 OF KILIKOLLOOR POLICE STATION , KOLLAM PETITIONER/ACCUSED: ----- PAUL.A AGED 49 YEARS S/O.LATE ALPHONSE, ANISHA DALE, MAHIMA NAGAR NO.28 KARIKKODU CHERRY, MANGADU.P.O., MANGADU VILLAGE KOLLAM TALUK, KOLLAM DISTRICT. BY ADVS.SRI.C.PRATHAPACHANDRAN PILLAI SRI.R.SURAJ KUMAR SRI.SUNIL J.CHAKKALACKAL SMT.V.BEENA RESPONDENTS: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT. BY PUBLIC PROSECUTOR: ADV SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27 11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH,

J.

===== B.A.No.7604 of 2013
===== Dated this the 27th day of November, 2013

ORDER

Petitioner is the third accused, in Crime No.1834 of 2013 of the Kilikolloor Police Station for the offences punishable under Rule 16 of the Kerala Kerosene Control Order, 1986 and Secs.3 and 7(i) (a)(ii) of Essential Commodities Act, apprehends arrest and has filed the application.

2. Case is that on 02.11.2013 on information received, the police seized 160 litres of Kerosene from a furniture mart. According to the prosecution, the kerosene was removed from a ration shop nearby, unauthorisedly.

3. Learned Public Prosecutor has submitted that the case is under investigation and that interrogation of the petitioner is required. It is also submitted that though the petitioner is a salesman of a ration shop, his sister is the licensee of that shop.

4. Learned counsel submits that the crime was registered on a Saturday without getting sufficient information as to wherefrom Kerosene was removed, there being about 5 ration shops nearby the place of occurrence. It is submitted that a mahazar was prepared on the next Monday where it is stated that difference in B.A.No.7604 of 2013 2 the quantity of Kerosene in the ration shop where the petitioner is the salesman was only 20.5 litres which is negligible even as per standard prescribed by the Civil Supplies Department. Hence the department did not take action against the licensee.

5. Having heard the learned counsel and the learned Public Prosecutor, I am inclined to think that the petitioner has to be interrogated by the Investigating Officer. Grant of anticipatory bail would not be appropriate. Resultantly this application is disposed of as under: (i) Petitioner shall surrender before the officer investigating Crime No.1834 of 2013 of the Kilikolloor Police Station on 03.12.2013 at 10a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days

and time as may be specified by him which the petitioner shall comply. (iii) It is open to the petitioner to produce all the records which he considers relevant before the Investigating Officer and co-operate with the investigation of the case. (iv) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. (v) On such production, it is open to the petitioner to request for regular bail with intimation given to the Assistant Public Prosecutor atleast three working days in advance. (vi) In case custody of the petitioner is required, it is open to the Investigating Officer to move application before the learned magistrate. (vii) Learned magistrate shall dispose of the application(s) on merit having regard to the facts of the case as early as possible. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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