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Rameesha vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-26-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/344/2024

Appellant : Rameesha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN TUESDAY, THE 26TH DAY OF MARCH 2024 / 6TH CHAITHRA, 1946 CRIME NO.1361/2023 OF VALANCHERY POLICE STATION, MALAPPURAM AGAINST THE ORDER DATED 17.01.2024 IN CMP NO.127 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUR REVISION PETITIONER/CLAIM PETITIONER: RAMEESHA, AGED 40 YEARS, W/O. MUJEEB, VALIYAPARAMBIL HOUSE, POOVATHUMTHARA, EDAYOOR, TIRUR, MALAPPURAM DISTRICT, PIN - 676552 BY ADVS. K.SUJAI SATHIAN PREETHI. P.V. M.V.BALAGOPAL AISWARYA S. ASHOKAN SREELEKHA. P RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED

BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 PP SRI SANGEETHARAJ N.R THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

A JCB was employed by the accused so as to grab a certain portion of the property owned by the Municipality by excavation. The adjoining soil was removed by grabbing a portion of the property owned by the Municipality and that has resulted in collapse of the compound wall. It is submitted that there exists a civil dispute as to the boundary between the property belonging to the accused and the Municipality. It is the accused who employed the JCB for the purpose of removing the soil and demolishing the adjoining compound wall. The application submitted for release of the vehicle under Section 457 Cr.P.C. was not properly considered by the Magistrate Court. In fact, the custody of the said vehicle is not at all necessary to proceed further with the investigation. As such, it can be released on proper Kychit. It can be released on executing sufficient security, for that purpose, the matter is remanded back to the Magistrate Court concerned. The parties shall appear before the Magistrate Court on shall be decided and determined by the Magistrate concerned. The Criminal Revision Petition will stand disposed of accordingly. Sd/- P.SOMARAJAN JUDGE msp APPENDIX OF CRL.REV.PET 344/2024 PETITIONER ANNEXURES Annexure 1 A TRUE COPY OF THE SKETCH PREPARED AND CERTIFICATE ISSUED BY THE VILLAGE OFFICER KATTIPPARUTHI DATED 06.03.2024

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