

Asif vs State of Kerala

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Court : Kerala Orders

Decided On : May-24-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/447/2024

Appellant : ASIF

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 24TH DAY OF MAY 2024 / 3RD JYAISHTA, 1946 CRIME
NO.184/2021 OF THRIKKAKARA POLICE STATION, ERNAKULAM
AGAINST THE ORDER DATED 03.04.2024 IN CRMP 84/2024 IN SC
NO.771 OF 2022 OF ADDITIONAL DISTRICT COURT & SESSIONS
COURT - VIII, ERNAKULAM / IV ADDITIONAL MACT, ERNAKULAM
REVISION PETITIONER/PETITIONERS/ACCUSED NOS.2 AND 3:

1 ASIF, AGED 24 YEARS, S/O. ALI, SAIDUKUDY, POOKKATTUPADY,
PALLIKKUTTY, PIN- 683561, NOW RESIDING AT SAIDUKUDY, NEAR
AMBUNADU PALLY, PUKKATTUPADY, POOKKOTTUMOLAM ROAD,

EDATHALA P.O., ERNAKULAM DISTRICT, PIN - 683561 2 SABIQ S.A, AGED 25 YEARS, S/O. ABDUL LATHEEF, SAIDUKUDY, PANCHAYATH ROAD, EDATHALA P.O., ALUVA, PIN- 683561, NOW RESIDING AT SAIDUKUDY, NEAR SHANTHIGIRI ASHRAMA, KUNJATTUKARA, EDATHALA P.O., ALUVA, ERNAKULAM DISTRICT, PIN - 683561 BY ADVS. P.MOHAMED SABAH LIBIN STANLEY SAIPOOJA SADIK ISMAYIL R.GAYATHRI M.MAHIN HAMZA RAYEES P. ALWIN JOSEPH BENSON AMBROSE

RESPONDENT/RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 SR PP SRI C N PRABHAKARAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This criminal revision is against the order dated 03.04.2024 in CrI.M.P.No.84/2024 in S.C.No.771/2022 by the Additional Sessions Court - VIII, Ernakulam. The revision by its nature is a misuse of process of this court as it is against the order rejecting an application for discharge pertaining to an alleged offence under Sections 20(b)(ii)B, 22(a), 22(b), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The case was registered after the recovery of LSD stamps from accused No.1 on conducting body search as mandated under the Act. On submission of final report, the accused opted to file an application for discharge ignoring the nature of the alleged offence and its gravity. The conduct of the accused itself would show that it was an attempt to drag and delay and to stall the prosecution proceedings. After the dismissal of the said application, yet again the accused came up with a revision before this court and this would show what is behind it. It is not a case wherein discharge can be granted. The present application was submitted overlooking all settled principles and also overlooking the gravity of the offence alleged and the evidence collected by the prosecution annexed to the final report submitted. The counsel for the petitioner remained

absent. Adv. Sri. Sadique appeared on behalf of the counsel appearing for the petitioner. Hence, the Criminal Revision Petition will stand dismissed in limine. Sd/- P.SOMARAJAN JUDGE msp APPENDIX OF CRL.REV.PET 447/2024 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE SEARCH LIST PREPARED BY THE SUB INSPECTOR OF POLICE THRIKKAKARA POLICE STATION, ERNAKULAM DISTRICT DATED 09.03.2021 Annexure 2 TRUE COPY OF THE FINAL REPORT IN CRIME NO. ERNAKULAM DISTRICT

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