

Sunilkumar vs State of Kerala

Sunilkumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1340992

Court : Kerala

Decided On : Oct-18-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/238/2015

Appellant : Sunilkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA,
1945 CRL.MC NO. 238 OF 2015 AGAINST THE ORDER/JUDGMENT
SC 1130/2007 OF ADDITIONAL SESSIONS COURT.-TRIAL OF
ABKARI ACT CASES, NEYYATTINKARA PETITIONER/S:
SUNILKUMAR S/O.VELUKUTTY (LATE), PRAVEENA COTTAGE, TC
NO.24/160, METTUKKADA, THYCAUD VILLAGE,
THIRUVANANTHAPURAM DISTRICT. BY ADVS. SRI.SUMAN
CHAKRAVARTHY SRI.SANDEEP T.GEORGE

RESPONDENT/S: STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 OTHER

PRESENT: M.P PRASANTH PP THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 18.10.2023, ALONG WITH CrI.MC.202/2015, PASSED THE FOLLOWING: -2-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945 CRL.MC NO. 202 OF 2015 AGAINST THE ORDER/JUDGMENT SC 1130/2007 OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT CASES, NEYYATTINKARA PETITIONER/S: JAYACHANDRAN AGED 53 YEARS S/O KRISHNAN, ANJALI HOUSE, MUKKOLACKAL, NEDUMANGAD, THIRUVANANTHAPURAM. BY ADVS. SMT.CELINE WILFRED SRI.SUMAN CHAKRAVARTHY RESPONDENT/S: STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. OTHER PRESENT: M.P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.10.2023, ALONG WITH CrI.MC.238/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945 CRL.MC NO. 206 OF 2015 AGAINST THE ORDER/JUDGMENT SC 1130/2007 OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT CASES, NEYYATTINKARA PETITIONER/S: ANILKUMAR S/O LATE VELUKUTTY, PRAVEEN COTTAGE, TC 24/160, METTUKADA, THYCAUD, THIRUVANANTHAPURAM. BY ADVS. SRI.SUMAN CHAKRAVARTHY SMT.BREJITHA UNNIKRISHNAN RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. OTHER PRESENT: M.P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.10.2023, ALONG

WITH CrI.MC.238/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -4-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.MC NO. 207 OF 2015 AGAINST THE ORDER/JUDGMENT SC 1130/2007
OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA PETITIONER/S: SUNILKUMAR @ SUDHEVAN S/O
VASUDEVA PANICKER, ABIRAMI, ARYANADU VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM. BY ADVS. SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA RESPONDENT/S: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031.
OTHER PRESENT: M.P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 18.10.2023, ALONG WITH CrI.MC.238/2015
AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: -5-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.MC NO. 237 OF 2015 AGAINST THE ORDER/JUDGMENT SC 1130/2007
OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA PETITIONER/S: AJAYAKUMAR S/O.LATE
VELAYUDHA PANICKER, VELLAMKETTUVILA PLAMKANDATHIL HOUSE,
EDAKKODE DESOM, PALLICHAL, THIRUVANANTHAPURAM. BY ADVS.
SRI.SUMAN CHAKRAVARTHY SMT.K.R.RIJA RESPONDENT/S: STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682 031 OTHER PRESENT: M.P PRASANTH PP THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.10.2023,
ALONG WITH CrI.MC.238/2015 AND CONNECTED CASES, THE COURT ON

THE SAME DAY PASSED THE FOLLOWING: -6-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.MC NO. 239 OF 2015 AGAINST THE ORDER/JUDGMENT SC 1130/2007
OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA PETITIONER/S: MURALEEDHARAN AGED 50
YEARS S/O.SUDHAKARAN, KALIYIKKAL VILAYIL HOUSE,
HEEZTHONNAKKAL, THIRUVANANTHAPURAM. BY ADVS. SRI.SUMAN
CHAKRAVARTHY SMT.BREJITHA UNNIKRISHNAN

RESPONDENT/S: STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 BY ADVS.
GOVERNMENT PLEADER OTHER PRESENT: M.P PRASANTH PP THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.10.2023,
ALONG WITH CrI.MC.238/2015 AND CONNECTED CASES, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING: -7-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.MC NO. 7090 OF 2014 AGAINST THE ORDER/JUDGMENT SC 1130/2007
OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA PETITIONER/S: MUHAMMED RAFI AGED 49 YEARS
S/O.ABDUL RAHIMAN(LATE), SAJEELA MANZIL, PEYAD PO, NEYYATTINKARA
TALUK, THIRUVANANTHAPURAM BY ADV SRI.NIREESH MATHEW
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. OTHER PRESENT:
M.P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 18.10.2023, ALONG WITH CrI.MC.238/2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -8-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.REV.PET NO. 2104 OF 2014 AGAINST THE ORDER/JUDGMENT SC
1130/2007 OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA REVISION PETITIONER/S: VIJAYAN @
PARASSUVAKAL VIJAYAN AGED 53 YEARS S/O BALAKRISHNAN,
MELPPARATHARISSU PUTHEN VEEDU, HOUSE NO XX/1439,
PARASSUVAKKAL VILLAGE, NEYYATTINKARA TLAUK,
THIRUVANANTHAPURAM DISTRICT BY ADVS. SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN SRI.VIPIN NARAYAN RESPONDENT/S: STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM OTHER PRESENT: M.P PRASANTH PP THIS
CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
18.10.2023, ALONG WITH CrI.MC.238/2015 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -9-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 18TH DAY OF OCTOBER 2023 / 26TH ASWINA, 1945
CRL.REV.PET NO. 2160 OF 2014 AGAINST THE ORDER/JUDGMENT SC
1130/2007 OF ADDITIONAL SESSIONS COURT.-TRIAL OF ABKARI ACT
CASES, NEYYATTINKARA REVISION PETITIONER/S: BABU @ BABUJI
S/O.SADASIVAN, KINATUVILA HOUSE, S.N.NAGAR, CHAKKA WARD, PETTAH
VILLAGE, THIRUVANANTHAPURAM. BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN SRI.P.S.SISHOY RESPONDENT/S: STATE
OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682 031 (CRIME NO.116/2003 OF NEMAM POLICE
STATION, THIRUVANANTHAPURAM DISTRICT). OTHER PRESENT: M.P
PRASANTH PP THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 18.10.2023, ALONG WITH CrI.MC.238/2015 AND CONNECTED

CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -10-

P.V.KUNHIKRISHNAN, J.

=====
Crl.Rev.Petn.Nos. 2104, 2160 of 2014, Crl.M.C Nos. 7090 of 2014,
=====
Dated this the 18th day of October, 2023

ORDER

The petitioners in these cases are accused in Sessions Case No.1130 of 2007 pending before the Additional Sessions Judge, Neyyattinkara, arising from Crime No.116 of 2003 of Nemom Police Station. Originally four cases were registered as Crime No.116 of 2003 of Nemom Police Station, Crime No.8 of 2003 of Thampanoor Police Station, Crime No.168 of 2002 of Pettah Police Station and Crime No.198 of 2002 of Nemom Police Station. All these cases were clubbed together and Crime No.116 of 2003 of Nemom Police Station was investigated and a final report is filed and the same was taken on file as Sessions Case No.1130 of 2007. The offences alleged are under Sections 8(1) and (2), 55(a) and (i) and 58 of the Abkari Act and Section 120B IPC.

2. The short point raised in these cases by the learned Senior

Counsel Sri.C.C.Thomas and the other counsel appearing in the other -11- cases is that the final report in these cases are filed by an incompetent officer. The final report is filed by a Circle Inspector of Police, (Control Room), Thiruvananthapuram. The contentions raised by the petitioners that he is an incompetent officer and this point is considered by this Court in Sujith v. State of Kerala [2016 (3) KHC 823]. Moreover in Jil v. State of Kerala [2017 (3) KLT 156] also this Court considered the same point.

3. Heard counsel for the petitioners and the Public Prosecutor.

4. After hearing both sides, I think there is force in the

argument of the petitioners. The same point is considered by this Court in detail in Sujiths case (supra). It will be beneficial to extract the relevant portion of the above judgment here: 6. The investigation of a case of this nature can be conducted by an Abkari Officer notified under Section 4 of the Abkari Act. Such a Notification had been issued by the Government of Kerala which is SRO No. 321 of 1996 It reads as follows: -12-

SRO No. 321/96.- In exercise of the powers conferred by Section 4 of the Abkari Act, I of 1077 the Government of Kerala hereby appoint all Police Officers of and above the rank of Sub Inspector of Police in charge of Law and Order and working in the General executive branch of the Police Department and all Revenue Officers of and above the rank of Deputy Collectors to be Abkari Officers under their respective Jurisdiction for the purposes of Sections 31, 32, 33, 34, 35, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 59 of the Act and to exercise all the powers and to discharge all the duties conferred and imposed on Abkari Officers in the sections aforesaid.

This notification shall come into force with immediate effect. (GO (P) No. 69/96/TD dt.

7. As per this Notification, the Government of Kerala

appointed all Police Officers of and above the rank of Sub Inspector of Police in charge of law and order and working in the general executive branch of the Police Department and all revenue officers of and above the rank of Deputy Collectors to be Abkari Officers under their respective jurisdiction for the purposes of Sections 31, 32, 33, 34, 35, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 59 of the Abkari Act and to exercise all the powers and to discharge all the duties conferred and imposed on Abkari Officers in the Sections aforesaid. Therefore, a Police Officer of and above the rank of Sub Inspector of Police in charge of law and order and working in the general -13-

executive branch of the Police Department appointed as an Abkari Officer alone can exercise the powers conferred and discharge the duties imposed under the aforesaid Sections of the Abkari Act. There cannot be any dispute and, as a matter of fact, there is no dispute with regard to the fact that the Deputy Superintendent of Police, Narcotic Cell, Alappuzha, was not a Police Officer in charge of law and order and working in the general executive branch of the Police Department. He was an officer in the Narcotic Cell, Alappuzha, at the relevant time empowered with powers and duties connected therewith. It is quite evident from the Final Report filed after further investigation that the investigation was conducted by CW 62, the Deputy Superintendent of Police, Narcotic Cell, Alappuzha, and CW 61, the Deputy Superintendent of Police, CBCID, Kottayam, Just like CW 62, CW 61 was also not in charge of law and order and working in the general executive branch of the Police Department at the relevant time. He was working as the Deputy Superintendent of Police in the Crime Branch CID, Kottayam, at the relevant time. These two officers who conducted further investigation of the case were not in charge of law and order and working in the general executive branch of the Police Department. Therefore, they were not Abkari Officers empowered with powers and duties of investigation as specified in the Notification issued by the Government of Kerala under Section 4 of the Abkari Act namely, SRO No. 321 of 1996.

8. The orders dated 10/11/2000 issued from the Police

Headquarters and 01/12/2000 issued by the DIG (Crimes), Thiruvananthapuram, cannot be equated with a Notification issued under Section 4 of the Abkari Act by the -14-

Government of Kerala. An officer appointed as an Abkari Officer by way of a Notification issued under Section 4 of the Abkari Act by the Government of Kerala alone can be an Abkari Officer empowered with the powers of investigation. Such a power which can be exercised by the

Government of Kerala under Section 4 of the Abkari Act cannot be exercised by the Police Headquarters or the Deputy Inspector General (Crimes) as happened in this case. Here is a case where two Deputy Superintendents of Police, one of CBCID, Kottayam, and another of Narcotic

Cell, Alappuzha, both were not in charge of law and order

and were not working in the general executive branch of the Police Department, had conducted the investigation and the Deputy Superintendent of Police, Narcotic Cell, Alappuzha, had submitted the Final Report before the Court after such incompetent investigation. No Notification issued by the Government of Kerala under Section 4 of the Abkari Act appointing CWS 61 and 62 has been brought to the notice of this Court. There is no dispute also in regard to the fact that the Government alone is empowered under the Abkari Act to issue Notification under Section 4 of the Abkari Act appointing competent Abkari Officers for conducting investigation and submitting Final Report before the Court.

9. Since the investigation was conducted by CWS 61 and

62, incompetent officers, and the Final Report was filed by CW 62, an incompetent officer, the Court below had no jurisdiction to take cognizance of the offences alleged in the complaint filed based on such investigation. The Court below framed a charge against three accused including the petitioner alleging the offences under Sections 8(1) and (2),
-15-

55(a), (b). (h) and (i) and 57 of the Abkari Act and under Sections 1208 and 201 read with Section 34 of IPC. The charge thus framed includes not only abkari offences but also IPC offences. Therefore, a question may arise that even if the investigation conducted by CWS 61 and 62

was bad for want of powers in relation to abkari offences, the petitioner can be proceeded against for the IPC offences alleged against him. After considering the facts on record, it can be seen that the offences under Sections 120B and 201 read with Section 34 of IPC were incorporated in the charge along with the abkari offences as those offences had been allegedly committed in relation to the commission of abkari offences. So, the predominant offences are abkari offences. Moreover, the Abkari Act itself contains Section 55D providing for penalty for criminal conspiracy. In short, the IPC offences alleged cannot have any independent existence without the existence of the abkari offences alleged. Therefore, the petitioner cannot be proceeded against for the IPC offences as well. Since the Court below had no jurisdiction to take cognizance of the offences alleged against the petitioner as already stated, the Court below could not have framed a charge against him as it was without jurisdiction. In such a circumstance, a trial of the case cannot be followed against the petitioner. He is entitled to be discharged as provided under Section 227 of Cr PC. Since the petitioner is entitled to be discharged, the charge framed by the Court below against him is without jurisdiction and hence liable to be quashed.

10. In the result, the petitioner is discharged under Section 227 of Cr PC and the charge framed by the Court below against him is quashed. -16- The Criminal Revision Petition is allowed.

6. In the light of the above dictum laid down by this Court,

and also in the light of the fact that the final report is already filed by an incompetent officer, I am of the considered opinion that the prosecution is unsustainable. Therefore, the impugned orders in these Crl.M.Cs are quashed and the proceedings before the court below also can be quashed. Therefore, these Crl.M.Cs and Crl.Rev.Petns are allowed in the following manner:

The impugned orders in these cases are quashed. All the proceedings against the petitioners in these matters in Sessions Case No.1130 of 2007 on the file of the Additional Sessions Judge, Neyyattinkara are quashed. sd/-

P.V.KUNHIKRISHNAN JUDGE das -17- APPENDIX OF CRL.MC 202/2015
PETITIONER ANNEXURES

ANNEXURE A: PHOTOCOPY OF THE PETITION FOR DISCHARGE, CRL.MP.NO.627/2013 IN SC NO.1130/2007 FILED BEFORE THE ADD. DISTRICT AND SESSIONS COURT, NEYYATTINKARA. ANNEXURE B: CERTIFIED COPY OF THE ORDER DATED 17.11.2014 IN CMP NO.627/2013 IN SC NO.1130/2007 PASSED BY THE ADDL. SESSIONS COURT, NEYYATTINKARA. ANNEXURE C: PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE, TRIVANDRUM CITY, NO.D1- ANNEXURE D: PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM, NO.B2/8711/2003 TR DATED 16.10.2003. ANNEXURE E: PHOTOCOPY OF THE PROCEEDING OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20.7.2004. ANNEXURE F: PHOTOCOPY OF THE PROCEEDING OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 22.2.2005. ANNEXURE G: PHOTOCOPY OF THE ORDER DATED 15.12.2014 IN CRL.M.C 7097/2014. -18-

APPENDIX OF CRL.MC 206/2015 PETITIONER ANNEXURES

ANNEXURE A: PHOTOCOPY OF THE PETITION FOR DISCHARGE, CRL.MP NO.622/2013 IN SC NO.1130/2007 FILED BEFORE THE ADD. DISTRICT & SESSIONS COURT, NEYYATTINKARA. ANNEXURE B: CERTIFIED COPY OF THE ORDER DATED 17.11.2014 IN CMP NO.622/2013 IN SC NO.1130/2007 PASSED BY THE ADDL. SESSIONS COURT, NEYYATTINKARA. ANNEXURE C: PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE, TRIVANDRUM CITY, NO.D1- ANNEXURE D: PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM, NO.B2/8711/2003/TR DATED 16.10.2003. ANNEXURE E: PHOTOCOPY OF THE PROCEEDING OF

THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20.7.2004. ANNEXURE F: PHOTOCOPY OF THE PROCEEDING OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 22.2.2005. ANNEXURE G: PHOTOCOPY OF THE ORDER DATED 15.12.2014 IN CRL.MC 7097/2014. -19-

APPENDIX OF CRL.MC 207/2015 PETITIONER ANNEXURES

ANNEXURE A: PHOTOCOPY OF THE PETITION FOR DISCHARGE, CRL.MP.NO.626/2013 IN S NO.1130/2007 FILED BEFORE THE ADD. DISTRICT & SESSIONS COURT, NEYYATTINKARA. ANNEXURE B: CERTIFIED COPY OF THE ORDER DATED 17.11.2014 IN CMP NO.626/2013 IN S NO.1130/2007 PASSED BY THE ADDL. SESSION COURT, NEYYATTINKARA. ANNEXURE C: PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE, TRIVANDRUM CITY, NO.D1- ANNEXURE D: PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM, NO.B2/8711/2003 TR DATED 16.10.2003. ANNEXURE E: PHOTOCOPY OF THE PROCEEDING OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20.7.2004. ANNEXURE F: PHOTOCOPY OF THE PROCEEDING OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 22.2.2005. ANNEXURE G: PHOTOCOPY OF THE ORDER DATED 15.12.2014 IN CRL MC 7097/2014. -20-

APPENDIX OF CRL.MC 237/2015 PETITIONER ANNEXURES

ANNEXURE-A.PHOTOCOPY OF THE PETITION FOR DISCHARGE CRL.MP NO.628/2013 IN SC NO.1130/2007 FILED BEFORE THE ADDL.DISTRICT AND SESSIONS COURT, NEYYATTINKARA. ANNEXURE-B. CERTIFIED COPY OF THE ORDER DATED BY THE ADDL.SSESSIONS COURT, NEYYATTINKARA. ANNEXURE-C.PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER

OF POLICE, TRIVANDRUM CITY NO.D1 ANNEXURE-D.PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM NO.B2/8711/2003 TR DATED ANNEXURE-E.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20/7/2004. ANNEXURE-F.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 22/2/2005. ANNEXURE-G.PHOTOCOPY OF THE ORDER DATED 15/12/2014 IN CRL.MO NO.7097/2014. -21-

APPENDIX OF CRL.MC 239/2015 PETITIONER ANNEXURES

ANNEXURE-A.PHOTOCOPY OF THE PETITION FOR DISCHARGE CRL.MP NO.624/2013 IN SC NO.1130/2007 FILED BEFORE THE ADDL.DISTRICT AND SESSIONS COURT, NEYYATTINKARA. ANNEXURE-B. CERTIFIED COPY OF THE ORDER DATED PASSED BY THE ADDL.SSESSIONS COURT, NEYYATTINKARA. ANNEXURE-C.PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE, TRIVANDRUM CITY NO.D1 ANNEXURE-D.PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM NO.B2/8711/2003 TR DATED ANNEXURE-E.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20/7/2004. ANNEXURE-F.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 22/2/2005. ANNEXURE-G.PHOTOCOPY OF THE ORDER DATED 15/12/2014 IN CRL.MC NO.709/2014. -22-

APPENDIX OF CRL.MC 7090/2014 PETITIONER ANNEXURES

ANNEXURE-A COPY OF THE PETITION FOR DISCHARGE CRLMP NO.621/2013 IN SWC NO.1130/2007 FILED BEFORE THE ADDL.DISTRICT & SESSIONS COURT, NEYYATTINKARA

ANNEXURE-B COPY OFR THE ORDER DATED 17/11/2014 IN CMP NO.621/2013 IN SC NO. 1130/2007 PASSED BY THE ADDL.SSESSIONS COURT, NEYYATTINKARA ANNEXURE-C COPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE ,TRIVANDRUM CITY,NO.D1 ANNEXURE-D COPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE,THIRUVANANTHAPURAM,NO.B2/8711/2003 TR DATED ANNEXURE-E COPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE,KERALA,NO.D1/65132/04 DATED ANNEXURE-F COPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA,NO.D1/65132/04 DATED ANNEXURE-G COPY OF THE DICISION , SAJI @ KOCHUMON VS.STATE OF KERALA REPORTED IN 2010(3) KLT 471 ANNEXURE-H COPY OF THE DECISION ,A.N.RAJAN VS.STATE OF KERALA REPORTED IN 2014(3) KLJ 720 ANNEXURE-I COPY OF THE DECISION ,HASHIM VS.ASST.SUB INSPECTOR REPORTED IN 2014(2) KLT 346 ANNEXURE-J COPY OF THE CIRCULAR NO.128/70(NO.C1- -23-

APPENDIX OF CRL.MC 238/2015 PETITIONER ANNEXURES

ANNEXURE-A.PHOTOCOPY OF THE PETITION FOR DISCHARGE CRL.MP NO.624/2013 IN SC NO.1130/2007 FILED BEFORE THE ADDL.DISTRICT AND SESSIONS COURT, NEYYATTINKARA. ANNEXURE-B. CERTIFIED COPY OF THE ORDER DATED PASSED BY THE ADDL.SSESSIONS COURT, NEYYATTINKARA. ANNEXURE-C.PHOTOCOPY OF THE PROCEEDINGS OF THE COMMISSIONER OF POLICE, TRIVANDRUM CITY NO.D1 ANNEXURE-D.PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM NO.B2/8711/2003 TR DATED ANNEXURE-E.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04 DATED 20/7/2004. ANNEXURE-F.PHOTOCOPY OF THE PROCEEDINGS OF THE DIRECTOR GENERAL OF POLICE, KERALA, NO.D1/65132/04

DATED 22/2/2005. ANNEXURE-G.PHOTOCOPY OF THE ORDER
DATED 15/12/2014 IN CRL.MC NO.709/2014.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com