

Roji Augustine vs State of Kerala

Roji Augustine vs State of Kerala

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Court : Kerala

Decided On : Oct-04-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/2476/2023

Appellant : Roji Augustine

Respondent : State of Kerala

Judgement :

CRL.MC No.2409/23 and conn.cases 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA,
1945 CRL.MC NO. 2476 OF 2023 PETITIONER/S: ROJI AUGUSTINE
AGED 50 YEARS M.P.ASHOK KUMAR BINDU SREEDHAR ASIF N
RESPONDENT/S: STATE OF KERALA REP BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. COCHIN, PIN - 682031
ADVOCATE GENERAL OFFICE KERALA ADDL.DIRECTOR GENERAL
OF PROSECUTION(AG-11) ADDL. STATE PUBLIC
PROSECUTOR(AG-28) DIRECTOR GENERAL OF
PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND

ADDL.PUBLIC PROSECUTOR()

OTHER PRESENT: SAJJU.S ADDL PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.10.2023, ALONG WITH CrI.MC.2409/2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC No.2409/23 and conn.cases 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA, 1945 CRL.MC NO. 2409 OF 2023 PETITIONER/S: 1 JOSEKUTTY AUGUSTINE AGED 44 YEARS 2 ANTO AUGUSTINE M.P.ASHOK KUMAR BINDU SREEDHAR ASIF N RESPONDENT/S: STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. COCHIN, PIN - 682031 ADVOCATE GENERAL OFFICE KERALA ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11) ADDL. STATE PUBLIC PROSECUTOR(AG-28) DIRECTOR GENERAL OF PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC PROSECUTOR() THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.10.2023, ALONG WITH CrI.MC.2476/2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC No.2409/23 and conn.cases 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA, 1945 CRL.MC NO. 3164 OF 2023 PETITIONER/S: ROJI AUGUSTINE AGED 50 YEARS M.P.ASHOK KUMAR BINDU SREEDHAR ASIF N RESPONDENT/S: STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. COCHIN, PIN - 682031 ADVOCATE GENERAL OFFICE KERALA ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11) ADDL. STATE PUBLIC PROSECUTOR(AG-28) DIRECTOR GENERAL OF PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC PROSECUTOR() THIS

CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.10.2023, ALONG WITH CrI.MC.3204/2023, 3214/2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC No.2409/23 and conn.cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA, 1945
CRL.MC NO. 3204 OF 2023 PETITIONER/S: ROJI AUGUSTINE AGED 50
YEARS M.P.ASHOK KUMAR BINDU SREEDHAR ASIF N RESPONDENT/S:
STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA. COCHIN, PIN - 682031

ADVOCATE GENERAL OFFICE KERALA DIRECTOR GENERAL OF
PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC
PROSECUTOR() THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 04.10.2023, ALONG WITH CrI.MC.3164/2023 AND
CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC No.2409/23 and conn.cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA, 1945
CRL.MC NO. 3214 OF 2023 PETITIONER/S: 1 ROJI AUGUSTINE AGED 50
YEARS 2 JOSEKUTTY AUGUSTINE 3 ANTO AUGUSTINE M.P.ASHOK KUMAR
BINDU SREEDHAR ASIF N RESPONDENT/S: STATE OF KERALA REP BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA. COCHIN, PIN - 682031
ADVOCATE GENERAL OFFICE KERALA ADDL.DIRECTOR GENERAL OF
PROSECUTION(AG-11) ADDL. STATE PUBLIC PROSECUTOR(AG-28)
DIRECTOR GENERAL OF PROSECUTION(AG-10) P.NARAYANAN, SENIOR
G.P. AND ADDL.PUBLIC PROSECUTOR() THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 04.10.2023, ALONG WITH
CrI.MC.3164/2023 AND CONNECTED CASES, THE COURT ON THE SAME

DAY PASSED THE FOLLOWING: CRL.MC No.2409/23 and conn.cases 6
P.V.KUNHIKRISHNAN, J ----- Crl.M.C. Nos. 2409, 2476,
3164, 3204 & 3214 of 2023 ----- Dated this the 4th day of
October, 2023

ORDER

These Criminal Miscellaneous cases are filed to quash the FIR in Crime Nos. 281/21, 400/21, 319/21 of Meenangadi Police Station and Crime No. 297/21 of Meppadi Police Station. These petitions are filed under Sec. 482 Cr.P.C. to quash the FIR. The investigation is going on. The Director General of Prosecution submitted that the investigation is complete. If that is the case, this Court need not interfere with the FIR. If the final report is filed, the petitioners can file fresh Crl.M.C.s. All the contentions raised by the petitioners in these Crl.MCs are left open. If the petitioners are aggrieved by the final report, they are free to file a fresh Crl.M.C. Granting liberty to the petitioners to file a fresh Crl.M.C., these Crl.M.C.s can be CRL.MC No.2409/23 and conn.cases 7 closed. Since the investigation is complete, the officer concerned will submit the final report before the Jurisdictional court as expeditiously as possible, at any rate, within two months from the date of receipt of a certified copy of this order. Therefore, these Crl.M.C.s are closed. sd/-
P.V.KUNHIKRISHNAN JUDGE SKS CRL.MC No.2409/23 and conn.cases 8
APPENDIX OF CRL.MC 2409/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE PATTAYAM NO LA 189/68 DT Annexure A2 TRUE COPY OF A SPECIMEN MALAYALAM PATTAYAM Annexure A3 TRUE COPY OF CIRCULAR NO U3/187/2019 DATED Annexure A4 TRUE COPY OF ORDER NO G.O(P)261/2020/REV DT 24/10/2020 Annexure A5 TRUE COPY OF THE APPLICATION DT 24/11/2020 SUBMITTED BY THE 1ST PETITIONER BEFORE FOREST RANGE OFFICER, MEPPADY Annexure A6 TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER DT 25/01/2021 Annexure A7 TRUE COPY OF THE APPLICATION DT 24/11/2020 SUBMITTED BY THE 2ND PETITIONER BEFORE FOREST RANGE OFFICER, MEPPADY Annexure A8 TRUE COPY OF THE CERTIFICATE DT 25/01/2021 ISSUED BY THE VILLAGE OFFICER, MUTTIL SOUTH Annexure A9 TRUE COPY OF THE KLC NOTICE DT 02/06/2021 ISSUED BY THAHASILDAR (LR) TO THE 1ST PETITIONER

Annexure A10 TRUE COPY OF THE KLC NOTICE DT 02/06/2021 ISSUED BY THAHASILDAR (LR) TO THE 2ND PETITIONER Annexure A11 CERTIFIED COPY OF THE FIR NO 281 OF MEENANGADI POLICE STATION DT 04/06/2021 CRL.MC No.2409/23 and conn.cases 9 APPENDIX OF CRL.MC 2476/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE TRADE LICENSE NO PANCHAYATH Annexure A2 TRUE COPY OF THE ORDER NO G2-7950/2020 DT Annexure A3 TRUE COPY OF A SPECIMEN PATTAYAM ISSUED UNDER KERALA LAND ASSIGNMENT ACT Annexure A4 TRUE COPY OF CIRCULAR NO U3/187/2019 DATED Annexure A5 TRUE COPY OF ORDER NO G.O(MS)261/2020/REV DT 24/10/2020 Annexure A6 CERTIFIED COPY OF THE FIR IN CRIME NO DT 04/06/2021 Annexure A7 TRUE COPY OF THE JUDGMENT IN CON.CASE(C) HIGH COURT OF KERALA Annexure A8 TRUE COPY OF LETTER NO G2 212/2023 DT ALONG WITH COPIES OF PATTAYAM CRL.MC No.2409/23 and conn.cases 10 APPENDIX OF CRL.MC 3204/2023 PETITIONER ANNEXURES Annexure A1 RUE COPY OF THE TRADE LICENSE NO 547/2020- 21 DT 07/01/2021 ISSUED BY THE PANCHAYATH Annexure A2 TRUE COPY OF THE ORDER NO G2-7950/2020 DT Annexure A3 TRUE COPY OF A SPECIMEN PATTAYAM ISSUED UNDER KERALA LAND ASSIGNMENT ACT Annexure A4 TRUE COPY OF CIRCULAR NO U3/187/2019 DATED Annexure A5 TRUE COPY OF ORDER NO G.O(MS)261/2020/REV DT 24/10/2020 ALONGWITH ENGLISH TRANSLATION Annexure A6 CERTIFIED COPY OF THE FIR IN CRIME NO DT 16/06/2021 Annexure A7 TRUE COPY OF THE REPORT DT 12/08/2021 FILED BY THE SHO, MEENANGADI BEFORE JFCM, SULTHAN BATHERY CRL.MC No.2409/23 and conn.cases 11 APPENDIX OF CRL.MC 3214/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE TRADE LICENSE NO PANCHAYATH Annexure A2 TRUE COPY OF THE ORDER NO G2-7950/2020 DT Annexure A3 TRUE COPY OF A SPECIMEN PATTAYAM ISSUED UNDER KERALA LAND ASSIGNMENT ACT Annexure A4 TRUE COPY OF CIRCULAR NO U3/187/2019 DATED Annexure A5 TRUE COPY OF ORDER NO G.O(MS)261/2020/REV DT 24/10/2020 Annexure A6 CERTIFIED COPY OF THE FIR IN CRIME NO Annexure A7 TRUE COPY OF THE REPORT DT 18/08/2021 FILED BY THE SHO, MEPPADI BEFORE JFCM, KALPETTA CRL.MC No.2409/23 and conn.cases 12 APPENDIX OF CRL.MC 3164/2023

PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE TRADE LICENSE NO PANCHAYATH Annexure A2 TRUE COPY OF THE ORDER NO G2-7950/2020 DT Annexure A3 TRUE COPY OF A SPECIMEN PATTAYAM ISSUED UNDER KERALA LAND ASSIGNMENT ACT Annexure A4 TRUE COPY OF CIRCULAR NO U3/187/2019 DATED Annexure A5 TRUE COPY OF ORDER NO G.O(MS)261/2020/REV DT 24/10/2020 Annexure A6 CERTIFIED COPY OF THE FIR IN CRIME NO DT 08/07/2021 Annexure A7 TRUE COPY OF THE REPORT DT 01/10/2021 FILED BY THE SHO, MEENANGADI BEFORE JFCM, SULTHAN BATHERY

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