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Habeeb vs State of Kerala,

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Court : Kerala Orders

Decided On : May-29-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Crl.MC/3755/2023

Appellant : Habeeb

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 29TH DAY OF MAY 2023 / 8TH JYAISHTA, 1945 CRL.MC NO. 3755 OF 2023 CRIME NO.850/2023 OF PALLURUTHY POLICE STATION PETITIONER/ACCUSED 1 & 2 : 1 HABEEB AGED 53 YEARS S/O. ABDUL RAHMAN, RESIDING AT KLATHI PARAMBU VEEDU, HOUSE NO 13/556 KMP NAGAR, PALLURUTY, EDAKOCHI VILLAGE, PIN - 682010 2 RAJU V.P AGED 52 YEARS, S/O PAREEKUTTY RESIDING AT VELYPARAMBIL VEEDU, KACHERIPADY, PALLURUTHY, PALLURUTHY VILLAGE, KOCHI., PIN - 682018 BY ADVS. SAM ISAAC POTHIYIL VIPIN M.V. MUHAMMED SUHAIR C.A ABEY GEORGE HARISH V.S. RAMU SUBHASH ANANTHAKRISHNAN R. SWAMINATHAN K.S.

RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,, PIN - 682031 2 STATION HOUSE OFFICER, PALLURUTHY POLICE STATION, ERNAKULAM DISTRICT, PIN - 682005 SRI TR RENJITH SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.05.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C No.3755 of 2023 2

ORDER

This petition is filed by accused Nos.1 and 2 in Crime No.850/2023 of the Palluruthy Police Station. In the aforesaid case, they face prosecution for having committed the offences punishable under Sections 7 and 8 of the Kerala Gambling Act, 1960, and Section 4(a) and 7(3) of the Lotteries (Regulation) Act, 1998. They have approached this Court seeking to quash all further proceedings on the ground that the allegations in the FIR will not constitute any of the offences alleged against them.

2. When the matter is taken up for consideration, it is submitted by

the learned Public Prosecutor that even prior to the filing of this petition, the police has filed a final report before the learned Judicial Magistrate of First Class III, Ernakulam, on 10.04.2023. In that view of the matter, reserving the right of the petitioners to challenge the final report, this petition is closed. Sd/- RAJA VIJAYARAGHAVAN V, JUDGE NS Crl.M.C No.3755 of 2023 3 APPENDIX OF CRL.MC 3755/2023 PETITIONER ANNEXURES : Annexure A1 THE CERTIFIED COPY OF THE FIR IN CRIME ERNAKULAM DISTRICT, ALONG WITH THE FIRST INFORMATION STATEMENT IS PRODUCED

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