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Mohammed Shareef vs State of Kerala

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Court : Kerala

Decided On : Oct-03-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/8040/2023

Appellant : Mohammed Shareef

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN TUESDAY, THE 3RD DAY OF OCTOBER 2023 / 11TH ASWINA, 1945 CRL.MC NO. 8040 OF 2023 AGAINST THE ORDER/JUDGMENT LP 102/2003 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I,MANJERI PETITIONER/ACCUSED NO.1: MOHAMMED SHAREEF AGED 53 YEARS S/O KUNHIMOIDEEN, KUNNATHODI (H), URAKAM AMSON DESOM, 7, O.K NAGAR, VENGARA, MALAPPURAM DISTRICT, PIN - 676304 BY ADVS. SUSANTH SHAJI SIDHARTH O. ALBIN A. JOSEPH RESPONDENTS/STATE/INVESTIGATING OFFICER & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 INSPECTOR OF POLICE KALIKAV POLICE STATION, KALIKAV, MALAPPURAM DISTRICT, PIN - 676525 3 ABDUL NAZAR AGED 58 YEARS S/O MOHAMMEAD, PAKKATH (H), KALIKAV, NILAMBUR TALUK, MALAPPURAM DISTRICT, KERALA, PIN - 679311 BY ADV. TINCY MARIA SCARIA BY ADV.SRI.RENJITH T.R., PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.10.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

---------- Crl.M.C. No.8040 of 2023 ---------- Dated this the 03rd day of October, 2023

ORDER

This Criminal Miscellaneous Case is filed under Section 482 of the Code of Criminal Procedure, 1973.

2. It is submitted that the petitioner is not in

India. Petitioner is an accused in L.P. No.102/2003 on the file of the Judicial First Class Magistrate Court - I, Manjeri. The petitioner wants to quash the proceedings based on settlement. The same can be considered only after regularizing the proceedings before the lower court. If there is any apprehension of arrest at the time of his arrival to India, the petitioner is free to file a separate Crl.M.C. The Registry shall return the original of the affidavit submitted by the 3rd respondent to the petitioner. Granting liberty to the petitioner to file a fresh Criminal Miscellaneous Case, when he came back to India, this Crl.M.C is closed. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF CRL.MC 8040/2023 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.113/1998 ON THE FILES OF KALIKAV POLICE STATION, MALALPPURAM DISTRICT ANNEXURE A2 CERTIFIED COPY OF THE FINAL

REPORT IN

CC 785/1999 REFILED AS CC 713/2003 NOW PENDING AS LP 102/2003 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, MANJERI BASED ON FIR IN CRIME NO. 113/1998 ON THE FILES OF KALIKAV POLICE STATION, MALAPPURAM DISTRICT.

ANNEXURE A3 TRUE PHOTOSTAT COPY OF THE JUDGEMENT

IN CC NO. 785/1999 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT- I, MANJERI.

ANNEXURE A4 TRUE PHOTOSTAT COPY OF THE JUDGEMENT

DATED 31.01.2018 IN CRL. M.C. NO. HON'BLE COURT ANNEXURE A5 ORIGINAL OF THE CONSENT AFFIDAVIT SIGNED BY THE 3RD RESPONDENT RESPONDENTS EXHIBITS :NIL //TRUE COPY// PA TO JUDGE

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