

Alex vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/9081/2023

Appellant : ALEX

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 CRL.MC NO. 9081 OF 2023 CRIME
NO.1135/2015 OF Neyyattinkara Police Station, Thiruvananthapuram
AGAINST THE ORDER/JUDGMENT CC 373/2017 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -I, NEYYATINKARA
PETITIONER(S)/ACCUSED NO.1 & 4: 1 ALEX AGED 35 YEARS S/O
PRABHAKARAN, KARUMARAKALA VEEDU, CHAIN,
KANJIRAMKULAM P.O., THIRUVANANTHAPURAM, PIN - 695524 2
JINU JOSH AGED 38 YEARS S/O WALSALAM, NARANGANVILA
HOUSE, PLAMOOTUKADA P.O., THIRUVANANTHAPURAM, PIN -

695122 BY ADVS. M.R.SASITH NEELANJANA NAIR R.K.CHIRUTHA BHAVANA K.K ANJANA SURESH.E RESPONDENT(S)/DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER NEYYATTINKARA POLICE STATION, THIRUVANANTHAPURAM DISTRICT, PIN - 695121 BY ADV.SMT. SREEJA V, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Dated this the
30th day of November, 2023

ORDER

Petitioners are the accused in C.C.No.373/2017 on the file of the Judicial First Class Magistrate Court - I, Neyyattinkara, arising from Crime No.1135/2015 of Neyyattinkara Police Station.

2. The short point raised by the petitioners is that

the Judicial First Class Magistrate Court - I, Neyyattinkara has no territorial jurisdiction to try the above offence. Admittedly, the calender case is registered in the year 2017. This point is raised before this Court after about six years. If the charge is not framed, the petitioners can file a discharge petition raising this point. If such a discharge petition is filed, there can be a direction to consider the same within a time frame. The presence of the petitioner can be dispensed with till final orders are passed in the discharge petition. Therefore, this Criminal Miscellaneous Case is disposed of in the following manner: i. The petitioners are free to file a discharge petition before the Judicial First Class Magistrate Court - I, Neyyattinkara, within three weeks from the date of receipt of a stamped certified copy of this order, if charge is not framed. ii. Once such a discharge petition is received, the Magistrate will consider the same and pass appropriate orders in it,

after giving an opportunity of hearing to the petitioners and the Prosecutor concerned, within a period of six weeks from the date of receipt of the discharge petition. iii. If a discharge petition is filed as directed above, the presence of the petitioners shall not be insisted by the Magistrate, till final orders are passed in the discharge petition. iv. All the contentions raised by the petitioners in this criminal miscellaneous case are left open. Sd/- P.V.KUNHIKRISHNAN DM JUDGE
APPENDIX OF CRL.MC 9081/2023 PETITIONER ANNEXURES ANNEXURE A1
THE TRUE COPY OF THE PRIVATE COMPLAINT

FILED BY THE DE-FACTO COMPLAINANT FILED BEFORE THE HON'BLE
JUDICIAL FIRST-CLASS MAGISTRATE COURT-I, NEYYATTINKARA
ANNEXURE A2 THE CERTIFIED COPY OF THE FIR REGISTERED IN CRIME
NO.1135/2015 OF NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM DATED 17.07.2015 ANNEXURE A3 THE CERTIFIED
COPY OF FINAL REPORT FILED IN CC NO.373/2017 PENDING BEFORE THE
HON'BLE JUDICIAL FIRST-CLASS MAGISTRATE COURT-I, NEYYATTINKARA
RESPONDENTS EXHIBITS : NIL //TRUE COPY// PA TO JUDGE

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