

Purushothaman vs the State of Kerala

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Court : Kerala

Decided On : Dec-01-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(Crl.)/1257/2023

Appellant : Purushothaman

Respondent : The State of Kerala

Judgement :

WP(CRL.) NO. 1257 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 1ST DAY OF DECEMBER 2023 / 10TH AGRAHAYANA,
1945 WP(CRL.) NO. 1257 OF 2023 CRIME NO.215 & 711/2023 OF
Vengara Police Station, Malappuram

PETITIONER/S: PURUSHOTHAMAN AGED 52 YEARS S/O. VELU,
KALANGADAN HOUSE, CHERUR P.O., VENGARA, MALAPPURAM
DISTRICT, PIN - 676304 BY ADV K.RAKESH RESPONDENT/S: 1 THE
STATE OF KERALA REPRESENTED BY THE ADDITIONAL CHIEF
SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM, PIN - 695001 2 THE DISTRICT POLICE CHIEF OFFICE OF THE DISTRICT POLICE CHIEF, UPHILL, MALAPPURAM, PIN - 676505 3 THE STATION HOUSE OFFICER VENGARA POLICE STATION, VENGARA, MALAPPURAM DISTRICT, PIN - 676304 4 MUHAMMEDALI AGED 39 YEARS S/O. ASSAINAR, AGED 39 YEARS, KALAMBULAM HOUSE, CHORUR P.O., ADIVARAM, KOZHIKODE DISTRICT, PIN - OTHER PRESENT: SRI P NARAYANAN, ADDL PP THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 01.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(CRL.) NO. 1257 OF 2023 2 P.V.KUNHIKRISHNAN, J ----- W.P.(CrI) No.1257 of 2023 ----- Dated this the 1st day of December, 2023

JUDGMENT

This Writ Petition (CrI.) is filed with following prayers :

(i) Issue a writ of mandamus or any other appropriate

writs, orders or directions commanding the 2 nd and 3rd respondents to take adequate measures for cancellation of bail granted in favour of the 4th respondent on the ground of violation of condition No. 3 in Exhibit P1.

(ii) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 2 nd respondent to consider Exhibit P3 as expeditiously as possible.

(iii) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 3 rd respondent to consider Exhibit P4 as expeditiously as possible.

(iv) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case. [SIC]

2. The petitioner is the victim in Crime No. 215/23 and

WP(CRL.) NO. 1257 OF 2023 3 Crime No. 215/2023 was released on bail on condition that he will not commit similar offences. It is submitted by the petitioner that after release, he again attacked the petitioner and consequently, Crime No.711/2023 is registered. The Police authorities are not taking any action to cancel the bail because of the violation of the bail condition. I do not want to make any observation about the same. Since Ext.P3 is pending before the 2nd respondent, there can be a direction to the 2nd respondent to consider the same and take appropriate steps in accordance with law and inform the result to the petitioner within a time frame. Therefore, this Writ Petition (Crl) is disposed of with the following directions : 1) The 2nd respondent is directed to consider Ext.P3 and take appropriate steps in accordance with law and inform the result to the petitioner as expeditiously as possible, at any rate, within three weeks from the date of receipt of a certified copy of this judgment. 2) The petitioner will produce a certified copy of this WP(CRL.) NO. 1257 OF 2023 4

judgment along with a copy of this writ petition along with

the exhibits before the 2nd respondent for compliance. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(CRL.) NO. 1257 OF 2023 5 APPENDIX OF WP(CRL.) 1257/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE ORDER DATED, 18-05-2023 OF THE HON'BLE SESSIONS JUDGE, MANJERI DIVISION IN CRL.M.C.NO.585/2023 Exhibit P2 A TRUE COPY OF THE ORDER DATED, 10-11-2023 OF THE HON'BLE SESSIONS JUDGE, MANJERI DIVISION IN CRL.M.C.NO.1415/2023 Exhibit P3 A TRUE COPY OF THE REPRESENTATION DATED 17-11-2023 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT Exhibit P4 A TRUE COPY OF THE REPRESENTATION DATED 17-11-2023 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT

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