

Devakumar vs State of Kerala

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Court : Kerala

Decided On : Oct-11-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/627/2019

Appellant : Devakumar

Respondent : State of Kerala

Judgement :

CRL.MC NO. 627 OF 2019 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 11TH DAY OF OCTOBER 2022 / 19TH ASWINA, 1944
CRL.MC NO. 627 OF 2019 CRIME NO.1247/2018 OF Thampanoor
Police Station, Thiruvananthapuram CC 1338/2018 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -III, TRIVANDRUM PETITIONER:
DEVAKUMAR, AGED 70 YEARS S/O. SREEDHARAN NAIR, ATRA
10C, DEVAGIRI, THOTTAM RESIDENTIAL ASSOCIATION, NEAR
MILMA OFFICE, AMBALATHARA WARD, MANACAUD VILLAGE, BY
ADV SASTHAMANGALAM S. AJITHKUMAR RESPONDENTS: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM-682 031 2 DR. ASHA D/O. VASUMATHY AMMA, AGED 48, SREE NANDANAM VEEDU, NEERAZHI LANE, NLRA 333, ULLOOR, 3 THE COMMISSIONER OF POLICE THIRUVANANTHAPURAM CITY. 4 THE ASSISTANT COMMISSIONER OF POLICE FORT SUB DIVISION, THIRUVANANTHAPURAM CITY. BY SMT.T.V.NEEMA-SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 627 OF 2019 2

ORDER

This Crl.M.C has been filed to quash all further proceedings in C.C.No.1338/2018 on the file of the Judicial First Class Magistrate Court III, Thiruvananthapuram.

2. The petitioner is the accused. The offences alleged against the petitioner are punishable under Sections 332, 354, 354(A)(iv) of IPC.

3. Having heard Sri.Sasthamangalam S.Ajithkumar, the

learned counsel for the petitioner and Smt.T.V.Neema, the learned Senior Public Prosecutor, I am of the view that this Crl.M.C can be disposed of giving liberty to the petitioner to file an application for discharge at the court below, if the charge has not already been framed. The application, if any, filed by the petitioner shall be disposed of by the court below in accordance with law, after hearing both sides. The petitioner is free to take CRL.MC NO. 627 OF 2019 3 up all the contentions raised in this Crl.M.C before the learned Magistrate in the application for discharge. The personal appearance of the petitioner at the court below is dispensed with till the application for discharge is disposed of. The Crl.M.C is disposed of as above. Sd/- DR. KAUSER EDAPPAGATH JUDGE ab CRL.MC NO. 627 OF 2019 4 APPENDIX OF CRL.MC 627/2019 PETITIONER ANNEXURES ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 1247/2018 OF THAMBANOOR POLICE STATION, THIRUVANANTHAPURAM DISTRICT. ANNEXURE B TRUE COPY OF THE O.P. CARD OF THE PETITIONER. ANNEXURE C TRUE COPY OF THE COMPLAINT SUBMITTED

BY THE PETITIONER TO THE 3RD RESPONDENT WITH RECEIPT
ANNEXURE D TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER TO THE 4TH RESPONDENT WITH RECEIPT. ANNEXURE E
CERTIFICATE ISSUED FROM THE WOMEN AND CHILDREN HOSPITAL,
THYCAUD, RESPONDENTS ANNEXURES: NIL

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