

Binet C.S vs State

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Court : Kerala

Decided On : May-31-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/6014/2016

Appellant : Binet C.S

Respondent : STATE

Judgement :

Crl.M.C.No.6014/2016 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYASHTA, 1944
CRL.MC NO. 6014 OF 2016 CRIME NO.170/2009 OF Kudiyanmala
Police Station, Kannur AGAINST THE ORDER/JUDGMENT IN CC
1031/2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,TALIPARAMBA

PETITIONER/ACCUSED NO.2: BINET C.S., AGED 37 YEARS,
D/O.SEBASTIAN, AGED 37 YEARS, CHOLAMKARIYIL HOUSE,
ERUVESSI AMSOM, CHERIYA AREKKAMALA, TALIPARAMBA

TALUK, KANNUR DISTRICT. BY ADV SRI.V.T.MADHAVANUNNI
RESPONDENT/STATE: STATE, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM
THROUGH S.H.O. KUDIYANMALA POLICE STATION, KANNUR
DISTRICT. THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 31.05.2022, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: Crl.M.C.No.6014/2016 2

ORDER

This Crl.M.C. is filed by the 2nd accused in C.C.No.1031 of 2015 pending before the Judicial First Class Magistrate Court, Thalipparamba, which arises from Crime No.170 of 2009 of Kudiyanmala Police Station. The offences alleged against the petitioner are under Sections 463, 464, 465, 466, 468, 471, 193, 120B read with Section 34 IPC.

2. The prosecution case is that, the 1st accused who was the Secretary of the Eruvessi Grama Panchayath by misappropriating his official position corrected the birth particulars of the petitioner in the birth register and issued a false

birth certificate to the petitioner herein. Later, the petitioner used the aforesaid false birth certificate as genuine. Annexure-A1 is the FIR and Annexure-A2 is the final report submitted by the police.

3. Heard Sri.V.T.Madhavanunni, learned counsel for the petitioner and Sri.Vipin Narayan, learned Public Prosecutor for the State.

4. The learned counsel for the petitioner contends that, Crl.M.C.No.6014/2016 3
the materials available on record do not make out the offences alleged against the petitioner. It is pointed out that, the aforesaid correction has been carried out on the basis of judgments rendered by this Court in Annexure-A3 and Annexure-A4.

5. However, considering the nature of contentions that have been raised, I am of the opinion that this is not a fit case in which powers of this Court under Section 482 Cr.P.C. can be invoked. It is particularly because, the petitioner can approach

the learned Magistrate by taking all the above contentions and seek for discharge.

In such circumstances, without prejudice to the rights of the petitioner to do so, this Crl.M.C is closed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/31.5.22
Crl.M.C.No.6014/2016 4 APPENDIX OF CRL.MC 6014/2016 PETITIONER
ANNEXURES ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME
NO.170/2009 OF KUDIYANMALA POLICE STATION ANNEXURE A2: TRUE
COPY OF THE CHARGE SHEET IN C.C.NO. ANNEXURE A3: TRUE COPY OF
THE ORDER IN W.P.(C) NO.33801.2006 OF THIS HON'BLE COURT DATED
19.12.2006 ANNEXURE A4: TRUE COPY OF THE ORDER IN WPC.
NO.4618/2007 OF THIS HON'BLE COURT DATED 25.6.2007.

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