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Moosa vs the State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1593404

Court : Kerala Orders

Decided On : Feb-22-2021

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.MC/195/2021

Appellant : MOOSA

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN MONDAY, THE 22ND DAY OF FEBRUARY 2021 / 3RD PHALGUNA, 1942 Crl.MC.No.195 OF 2021(D) AGAINST THE ORDER IN CRRP 19/2020 DATED 07-01-2021 OF SESSIONS COURT, MANJERI AGAINST THE ORDER IN CRMP 2519/2020 DATED 12-11-2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS, NILAMBUR CRIME NO.8/2007 OF CBCID, MALAPPURAM PETITIONER/ACCUSED: MOOSA, AGED 45 YEARS, S/o KOYA, MUSLIYARAKATH HOUSE, IRATTAYAMKULAM, PATHIRIPPADAM P. O., EDAKKARA AMSOM, MALAPPURAM DISTRICT. BY ADV. SRI.K.RAKESH RESPONDENTS/STATE & COMPLAINANT: 1 THE STATE OF

KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031. 2 THE DEPUTY SUPERINTENDENT OF POLICE, CRIME BRANCH, MALAPPURAM, PIN - 676 505. BY ADDL.DIRECTOR GENERAL OF PROSECUTION BY PUBLIC PROSECUTOR SRI. E.C.BINEESH THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C. No.195 of 2021 2

ORDER

The petitioner, an accused in a crime registered on the allegation of offence under Section 302 IPC, came up to quash the order of Sessions Court rejecting the bail granted by the Magistrate. It is submitted that against grant or refusal to grant bail, being an interlocutory order, no revision will lie in view of Section 397(2) Cr.P.C. and that the remedy available is under Section 482 Cr.P.C. It cannot be accepted in view of Section 439 Cr.P.C. dealing with special power of High Court/Sessions Court

regarding bail. Without prejudice to the said right, the Crl.M.C. is hereby dismissed. Sd/- P.SOMARAJAN JUDGE DMR/- Crl.M.C. No.195 of 2021 3 APPENDIX PETITIONER'S ANNEXURES: ANNEXURE A TRUE COPY OF THE FIR AND FIS IN CRIME NO.205/2005 OF EDAKKARA POLICE STATION, DATED 18.07.2005. ANNEXURE B TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT DATED 19.08.2020 IN W.P.(C) NO.12712/2020. ANNEXURE C TRUE COPY OF THE ORDER DATED 30.10.2020 IN B.A.NO.6761/2020 OF THIS HON'BLE COURT. ANNEXURE D CERTIFIED COPY OF THE ORDER DATED 12.11.2020 IN C.M.P.NO.2519/2020 OF J.F.C.M., NILAMBUR. ANNEXURE E CERTIFIED COPY OF THE COMMON ORDER IN CRL. R.P.NO.19/2020 AND 20/2020 OF THE COURT OF SESSION, MANJERI DIVISION DATED 07.01.2021. RESPONDENTS' ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE

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