

Binu vs State of Kerala

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Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/1790/2021

Appellant : BINU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY,
THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 AGAINST
THE ORDER/JUDGMENT IN MC 374/2020 OF
SUB.DVL.MAGISTRATE,KOLLAM, KOLLAM PETITIONER/COUNTER
PETITIONER: BINU AGED 36 YEARS S/O. BABU,
KARUPPINVEETILVADAKKATHIL, FAMILY NAGAR-44,
ULILYAKOVIL PO, KOLLAM-691 019. BY ADVS. C.R.JAYAKUMAR
SRI.NOBEL RAJU SRI.M.RAJESH RESPONDENTS/COMPLAINANTS:
1 STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2
THE SUB DIVISIONAL MAGISTRATE CIVIL STATION P.O., KOLLAM-

691 003. 3 THE INSPECTOR OF POLICE KOLLAM EAST POLICE STATION, CHINNAKADA PO, KOLLAM-691001. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Aggrieved by Annexure-1 order dated 06.03.2021 issued by the Sub Divisional Magistrate under Section 111(1) of Criminal Procedure Code, the petitioner has moved this Court under Section 482 of the Cr.P.C. for quashing proceedings in M.C.374/2020 pending before the Sub- Divisional Magistrate's Court, Kollam. Admittedly he had involved in a single crime, i.e., Crime No.94/2020 of Kollam East police station, alleging offence under Sections 294 (b), 341, 323, 324 read with 34 of IPC. The grievance of the petitioner is that, on that basis he has been asked to execute a bond. According to the learned counsel, it is illegal and is violative of the pronouncements made by this Court as well as the Apex Court.

2. I have no doubt with regard to the legality and correctness of

initiating proceedings under Section 107 of the Cr.P.C. on the basis of a single incident. Whatever it may be, now the Annexure 1 only directs to show cause why such a bond shall not be executed by the petitioner. The petitioner is at liberty to give reasons for relieving him from executing the said bond for which he can appear before the Sub Divisional Magistrate and give reasons in detail. If such a cause is shown, I have no doubt that the learned Magistrate will consider it, taking into account the decisions of this Court reported in M.V.Santhosh vs. State of Kerala [2014 (3) KLT 837].

3. The Sub Divisional Magistrate shall dispose of the matter within

a period of two months from the date of receipt of a copy of this order. CrI.M.C. is disposed of as above. SD/- K.HARIPAL JUDGE VKD/01/10/2021 APPENDIX OF CRL.MC 1790/2021 PETITIONER ANNEXURE ANNEXURE-1 THE ORIGINAL COPY OF THE ORDERS OF THE SDM KOLLAM DATED 6.3.2021 IN MC NO.374/2020 8ISSUED U/S 111(1) OF THE CRPC.

