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Manoharan vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-26-2021

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/6863/2017

Appellant : Manoharan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN FRIDAY, THE 26TH DAY OF MARCH 2021 / 5TH CHAITHRA, 1943 Crl.MC.No.6863 OF 2017(G) LP 44/2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS, CHAVAKKAD CRIME NO.175/2004 OF VATANAPPILLY POLICE STATION, THRISSUR PETITIONER/ACCUSED: MANOHARAN, AGED 54 YEARS, S/o RAMANKUTTY, OTHANACHAN HOUSE, ENGANDIYOOR VILLAGE, THRISSUR DISTRICT. BY ADV. SRI.RAJIT

RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI. E.C.BINEESH THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD

ON 26.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.No.6863 of 2017 2

ORDER

The petitioner/accused sought to quash the final report alleging offence under Section 3 r/w Section 25(1)(a) of Arms Act and under Sections 341 and 506(II) of IPC on the ground that what is involved is not a pistol/gun, but only an air gun. It may be a valid defence available to the party for which, adjudication is necessary. Hence, the inherent jurisdiction under Section 482 Cr.P.C. cannot be applied. It is submitted by the learned counsel that they are intending to move a bail application before the learned Magistrate. Hence sought a direction to the learned Magistrate to consider the application on the day of its filing. There will be a direction to the Magistrate to consider the bail application, if any moved, on the day of its submission, if possible and to dispose of the same by advancing justice. The petitioner shall appear before the concerned Magistrate on or before 07.04.2021.

Crl.M.C. is dismissed. Sd/- P.SOMARAJAN JUDGE DMR/- Crl.M.C.No.6863 of 2017 3 APPENDIX PETITIONER'S ANNEXURES: ANNEXURE A1 : THE TRUE COPY OF THE CRIME 175/2004 REGISTERED BY THE S.I. OF POLICE, VATANAPPILY POLICE STATION, AGAINST THE PETITIONER HEREIN. ANNEXURE A2 : THE TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE C.I. OF POLICE BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. ANNEXURE A3 : THE TRUE COPY OF THE REPORT SUBMITTED BY THE SCIENTIFIC ASSISTANT TO THE LEARNED MAGISTRATE AFTER EXAMINING THE SEIZED ARM. RESPONDENT'S ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE

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