

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE. P.S.GOPINATHAN

FRIDAY, THE 30TH DAY OF MARCH 2012/10TH CHAITHRA 1934

Cr1.MC.No. 716 of 2012 ()

CRL.MC.1705/2010 of D.C & SESSIONS COURT,TRIVANDRUM

PETITIONER/ACCUSED:

BINU D.RAJ
S/O.V.D.RAJ, VITTY, MULLASSERI ROAD
EANIKARA, KARAKULAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.R.GOPAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/-

P.S.GOPINATHAN, J.

Crl.M.C.NO. 716 OF 2012

Dated this the 30th day of March, 2012

O R D E R

In this petition under Section 482 of the Code of Criminal Procedure, the petitioner, who is the accused in Crime No.1154/2010 of the Medical College Police Station for offences under Sections 7 and 14 of the Foreigners Act, 1946, seeks an order to quash Annexure B Final Report accusing the above offences.

2. Though it appears that the Final Report was submitted before the Additional Chief Judicial Magistrate, Thiruvananthapuram and the case was taken cognizance, the case number is not mentioned in the petition.

3. The prosecution case is that the petitioner, who is owning and possessing a house at Katakampalli Village allowed foreigners to occupy the same but it was not intimated to the Authorities and there was failure to submit Form C as contemplated under the Foreigners Act. The plea of the petitioner is that the building in which the foreigners were allowed to occupy was let out to another person and that Annexure C Form was also submitted.

4. The plea now advanced is one of defence. It is to be established by adducing evidence. Sitting in jurisdiction under Section 482 of the Code of Criminal Procedure, it is rather difficult to come to a conclusion as to whether the building where foreigners were allowed to occupy was let out or not and whether

the petitioner had filed Form C or not. Therefore, I find no merit in this petition to invoke jurisdiction under Section 482 of the Code of Criminal Procedure and to quash the final report.

In the result, this petition is dismissed. However the petitioner is at liberty to apply for discharge under Section 239 of the Code of Criminal Procedure.

P.S.GOPINATHAN
JUDGE

DSV/-