

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943

CRL.MC NO. 1056 OF 2020

CC 627/2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,TRIVANDRUM

CRIME NO. 90/1996 OF VALIYATHURA POLICE STATION

PETITIONER/ACCUSED:

RAVEENDRAN
AGED 51 YEARS
S/O. KARUPPAN
'MOORTHATTIL HOUSE',
MADAYKKALTHARA PANCHAYATH,
VELLAYANIKKARA VILLAGE,
THRISSUR DISTRICT,
PIN CODE NO.680654.

BY ADV. P.V.VENUGOPAL

RESPONDENTS/STATE:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM,
PIN CODE NO-682031.
- 2 SUB INSPECTOR OF POLICE,
VALIYATHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
PIN CODE NO.695008.

BY SRI. M.C. ASHI, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.11.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner is the accused in C.C. No. 627/2019 on the file of the Judicial First Class Magistrate's Court – I, Thiruvananthapuram where he faces allegations under Sections 465, 468, 471, 511 and 419 of the Indian Penal Code. It is a crime of the year 1996 and after investigation, charge sheet was laid alleging the above stated offences before the Judicial First Class Magistrate Court – I, Thiruvananthapuram. The petitioner has moved this Court under Section 482 of the Code of Criminal Procedure for quashing the proceedings contending that none of the offences will lie against him.

2. I have heard the learned counsel for the petitioner and the learned Public Prosecutor in detail.

3. After going through the materials on record and hearing the counsel on both sides, I am not convinced that this is a fit case warranting invocation of jurisdiction under Section 482 of the Cr.P.C. The specific allegation against the petitioner is that he had obtained passport using fake documents and also that he tried to obtain immigration clearance by impersonation. Genuineness of the

documents relied on by the petitioner can be decided only after taking evidence. At this stage, this Court is not expected to make any enquiry into the disputed facts. If the petitioner is so confident that the offences will not lie against him, it is open to him to move an application under Section 239 of the Cr.P.C. seeking discharge.

Leaving open that liberty, this Crl.M.C. is disposed of. If such an application is filed by the petitioner, the learned Magistrate shall consider and dispose the same within a period of three months.

Sd/-

K. HARIPAL

JUDGE

DCS/30.11.2021

APPENDIX

PETITIONER'S ANNEXURE

- ANNEXURE A1 CERTIFIED OF FIR IN CRIME NO.90/1996 OF
VALIYATHURA POLICE OF THIRUVANATHAPURAM
DISTRICT DATED 16.4.1996 REGISTERED UNDER
SECTIONS SEC.465, 468, 471 & 419 IPC.
- ANNEXURE A2 CERTIFIED OF FINAL REPORT IN CRIME
NO.90/1996 OF VALIYATHURA POLICE DATED
23.1.2003 REGISTERED UNDER SECTIONS
SEC.465, 468, 471, 511 & 419 IPC.