

Kerala High Court

Rasheed vs State Of Kerala on 2 September, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 3276 of 2010()

1. RASHEED, S/O.MUHAMMED IBRAHIM,
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED BY
... Respondent

2. SUB INSPECTOR OF POLICE,

For Petitioner :SRI.M.SREEKUMAR

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice M.SASIDHARAN NAMBIAR

Dated :02/09/2010

O R D E R

M.Sasidharan Nambiar, J.

Crl.M.C.No.3276 of 2010

ORDER

This petition is filed under Section 482 of Code of Criminal Procedure to quash Annexure-A proclamation issued by Judicial First Class Magistrate-III, Thiruvananthapuram in C.C.No. 435/2005, affixed on his shop, allegedly showing him as the 45th accused. Apprehension is that he will be proceeded against.

2. A report was called for from Judicial First Class Magistrate-III, Thiruvananthapuram. The report submitted by the Magistrate shows that 45th accused is not the petitioner, but Basheer. Learned Magistrate has also reported that since the address of Basheer is shown as Saji Foot Wear, Palayam, Thiruvananthapuram, it was affixed on the shop of the petitioner as steps have been taken under

Sections 82 and 83 of Code of Criminal Procedure in that address. Learned Magistrate has also reported that he has not directed petitioner to appear before the court as he is not an accused in the case.

In such circumstances, recording that fact, finding that there is no reasonable basis for the apprehension, this petition is disposed. 2nd September, 2010 (M.Sasidharan Nambiar, Judge) tkv