

Kerala High Court

Premanandan @ Preman vs State Of Kerala on 31 March, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 1522 of 2006()

1. PREMANANDAN @ PREMAN, AGED 45,  
... Petitioner
2. NAJEEB, S/O. KOCHUMHAMMED, AGED 34,
3. LAXMANAN, S/O. VELU, AGED 60,

Vs

1. STATE OF KERALA, REP. BY S.I. OF POLICE,  
... Respondent

For Petitioner :SRI.C.D.JOHNY

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MRS. Justice M.C.HARI RANI

Dated :31/03/2009

O R D E R

M.C.HARI RANI, J.

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CRL.M.C.No.1522 OF 2006  
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DATED THIS THE 31st DAY OF MARCH, 2009

O R D E R

The petitioners are accused Nos.1 to 3 in Crime No.83/2006 of Thrikkakara Police Station and this petition is filed under Section 482 of Cr.P.C. with the prayer to quash Annexure-A1 FIR and all further proceedings in the above crime on the file of J.F.C.Ms'. Court-I, Aluva.

2. When this petition came up for hearing, no representation is made on behalf of petitioners 1 to 3. Counsel also absent. I have perused the allegations in this petition and the documents produced by the petitioners. Heard the learned Public Prosecutor, appearing for the first respondent. The Area Manager, Airtel Company, was impleaded subsequently as additional 2nd respondent as directed by

this Court as per order dated 5.6.2006. Though service is complete on the 2nd respondent, nobody has appeared, representing the 2nd respondent.

3. Crime No.83/2006 of Thrikkakara Police Station was registered against accused Nos.1 to 3 for the offences under sections 379 and 411 read with section 34 of IPC. 80 Kgs of copper cables belonging to the Airtel Company-the 2nd respondent was found as being transported by the first petitioner under suspicious circumstances and petitioners 2 and 3 were implicated as accused Nos.2 and 3 respectively for having purchased 42.5 Kgs of stolen copper cables from the first accused from out of 80 Kgs of copper cables, which was seized by the police. It is alleged in this petition that the first petitioner is an employee of the Airtel Company-the 2nd accused, and the copper cables were useless for the company and therefore, he was taking it with the permission of the Company for being sold it to hawkers.

4. It is submitted by the learned Public Prosecutor that investigation of the above crime is completed and final report is filed on 5.4.2006 before the Court of J.F.C.M.-I, Aluva and is pending before that court as C.C.No.162/2007. Whether the petitioners have committed the offence under sections 379 and 411 read with Section 34 of IPC as alleged is to be decided by the learned Magistrate after trial and on the basis of the evidence to be adduced by the prosecution and considering the defence evidence, if any. This Court cannot jump into a conclusion that the petitioners are innocent. Considering the facts and circumstances of this case, I find that there is no sufficient reason to exercise the inherent jurisdiction of this Court as envisaged under Section 482 of Cr.P.C., which can be exercised only sparingly and with caution. Therefore, this petition is devoid of merits and is liable to be dismissed.

In the result, the Crl.M.C. is dismissed.

M.C.HARI RANI, JUDGE.

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