

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of July 2023 / 22nd Ashadha, 1945

CRL.M.APPL.NO.1/2023 IN CRL.MC NO. 5556 OF 2023

CRIME NO.0555/2022 OF Kalpetta Police Station, Wayanad

CC 64/2023 OF CHIEF JUDICIAL MAGISTRATE , KALEPETTA, WAYANAD

PETITIONERS/PETITIONERS/ACCUSED:

1. RATHEESH KUMAR.K.R., AGED 42 YEARS,S/O RAVEENDRAN KALLUPADIYIL HOUSE, POST POOMALA -673 502, WYNAD DIST.KERALA.
2. MUJEEB.K.A, AGED 45 YEARS,S/O K.P.ALI, KAROTHUPUTHENPURAYIL HOUSE,POST KUPPADI - 673 592, WYNAD DIST.KERALA.
3. RAHUL SUJATHA RAVINDRAN,AGED 42 YEARS,S/O RAVINDRAN.C.K,CHALOLI KANDIYIL HOUSE, POST THOONERI - 673 505, KOZHIKODE DIST.KERALA.
4. NOUSHAD.V., AGED 44 YEARS,S/O ABOOBACKER,VADAKKETHODIKA HOUSE, MARKET ROAD POST KALPETTA - 673 121, WYNAD DIST.KERALA.

RESPONDENTS/RESPONDENTS/STATE, THE COMPLAINANT & DEFACTO COMPLAINANT:

1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
2. THE STATION HOUSE OFFICER, KALPETTA POLICE STATION, POST KALPETTA - 673 121 -, WYNAD DIST.KERALA.
3. ADV.KISHOR LAL.P.S, AGED 37 YEARS,S/O SAINUDHEEN, LAL BHAVAN, GIRI NAGAR, KALPETTA - 673 121, WYNAD DIST.

Application praying that in the circumstances stated therein the High Court be pleased to stay all proceedings against the petitioners in C.C.64/2023[FIR No.555/2022 of Kalpetta Police Station] on the file of the court of Chief Judicial Magistrate,Kalpetta during the pendency of the above CrI.M.C.

This application coming on for orders upon perusing the application and upon hearing the arguments of M/S.T.ASAFALI & LALIZA.T.Y., Advocates for the petitioners and of PUBLIC PROSECUTOR for the first and second respondents, the Court passed the following:

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C No.5556 of 2023

Dated this the 13th day of July, 2023

ORDER

Issue notice by speed post to the 3rd respondent.

Crl.M.A. No.1 of 2023

Sri. T. Asif Ali, the learned counsel appearing for the petitioners, submitted that Crime No.534/2022 was registered on 24.6.2022 against certain named individuals owing allegiance to a particular students body and their followers for trespassing into the office of a Member of Parliament, for attacking the personnel there, and for committing mischief. As a counterblast, Crime No.555/2022 of Kalpetta police station was registered on 4.7.2022 for the offence under Section 153 of the IPC against unnamed persons for causing damage to the photograph of Mahatma Gandhi kept inside the office of the MP. It is submitted that later Personal Assistants of the MP were added as accused, and a final report has been laid. The learned counsel would refer to the materials collected by the prosecution and it is submitted that none of the witnesses have attributed any role to

the petitioners.

Having considered the submissions, there will be an interim order, as prayed for, for a period of two months.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE**

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