

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III
NEYYATTINKARA**

**Present: Sri. SHIJU.A.F, BAL, LLM,
Judicial First Class Magistrate -III**

Dated : 04th day of February, 2023

CC 3082/2022

Complainant : State - Represented by the Sub Inspector of Police,
Naruvamoodu Police Station in Crime No...143.../21
(By Assistant Public Prosecutor)

Accused : Dishner, S/o Shibu,
S.S. Bhavan, Kanchiyar/Kanam,
Kulathummal - village,
Kattakada Taluk.

Offence : U/s. 4(2)(e) r/w 3(b) of Kerala Epidemic Disease
Ordinance Rule 2020.

Sentence/Order : The accused is acquitted u/s. 321(a) of Cr.P.C

ORDER

This is a case taken on file on the basis of Final report filed by the Sub Inspector of Police, Naruvamoodu Police Station in Crime No.....143.../21 against the accused alleging offence punishable u/s. 4(2)(e) r/w 3(b) of Kerala Epidemic Disease Ordinance Rule 2020.

2. The final report was filed before the court and the case was taken on file as CC.....3082.../2022 and cognizance was taken for the offence punishable u/s. 4(2)(e) r/w 3(b) of Kerala Epidemic Disease Ordinance Rule 2020.

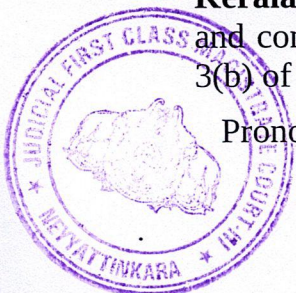
3. The learned APP has submitted that the Government has expressed no objection to withdraw the case from prosecution as per G.O.No.3326/22/Home dated 24/11/2022.

4. Heard the learned APP.

5. The state government is free to act under the parameters provided for to make scrutiny of criminal cases pending in subordinate courts to find out as to whether they deserve withdrawal u/s. 321 or not as it is in the realm of the policy decision of the government. The decision in that respect has been taken by the government and the same has been based on the parameters which is required to be observed while moving an application for withdrawal of prosecution u/s. 321 of Cr.PC.

Having considering the dictum laid by the **Hon'ble High Court in State of Kerala v. Ajith and Another 2021(2) KLJ 610** this petition is allowed based on cogent and convincing reasons and the accused is discharged in respect of sections 4(2)(e) r/w 3(b) of Kerala Epidemic Disease Ordinance Rule 2020 u/s. 321(a) of Cr.P.C.

Pronounced by me, in open court, on this the 04th day of February, 2023.



**Judicial First Class Magistrate-III
Neyyattinkara**