

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE
COURT1 ALUVA**

Present: Smt.Revitha K G, Judicial First Class Magistrate-I, Aluva

Dated this the 3rd day of June 2026

ST 200776/2016

Complainant:

State of Kerala represented by

Sub Inspector of Police, Aluva East Police Station

in [Cr.No.](#) 363/2016 of Aluva East Police Station

Respondent:

VISHNU VIJAYAN

USHA BHAVAN̄CHELIKKUZHY

P.O,ENADIMANGALAM,PATHANAMTHITTA

Under Sections: Section 15(C) of Abkari Act

ORDER

The warrant to accused returned as unexecuted stating that despite of best efforts in locating the accused, it is not possible to secure his presence before the court. I have perused the report and satisfied that sufficient steps have been taken by the prosecution to procure the presence of the accused. The prosecution did not secure the presence of the accused despite of best efforts. The Hon'ble High Court of Kerala in Suo motu V state of Kerala (O.P(CRL) NO.809/2023 DATED 05.12.2023 held that "in the case of petty cases, where the prosecution files a report stating unambiguously that despite of best efforts at locating the accused, it has not been successful in securing the presence of accused, the Magistrate can order stoppage of proceedings in

accordance with section 258 of the CrPC.” On perusal of the report by the prosecution , this court is of the view that costs of ensuring the presence of accused far exceed the maximum fine that is prescribed under the statute for the offence concerned. Hence, the further proceedings in the matter will not serve any purpose. Therefore, further proceedings stopped U/s. 258 Cr.PC and thus the accused is released . The release shall have the effect of discharge.

sd/-

Smt.Revitha K G

Judicial First Class Magistrate-I, Aluva