



2025:KER:15076

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 18TH DAY OF FEBRUARY 2025 / 29TH MAGHA, 1946

CRL.MC NO. 9169 OF 2023

CRIME NO.120/2019 OF Kollam West Police Station, Kollam

IN CC NO.124 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS -

III (TEMPORARY SPECIAL COURT), KOLLAM

PETITIONER/ACCUSED:

SHIYAS P.H.
AGED 42 YEARS
PUTHENVILA NEW MANZIL, VENGA P.O., MYNAGAPPALLY,
KOLLAM, PIN - 690521

BY ADVS.
R.MAHESH (KOTTAPPURAM)
SWAROOP A.P. (K/000633/2021)

RESPONDENT/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031
- 2 THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE, KOLLAM
DISTRICT, PIN - 691001
- 3 THE STATION HOUSE OFFICER
WEST POLICE STATION, KOLLAM, PIN - 691013
- 4 FIROZ KHAN
VINOD MANZIL, MAYYANAD P.O., ERAVIPURAM, KOLLAM, PIN -



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691303

- 5 SHAHUL HAMEED
VINOD MANZIL, MAYYANAD P.O., ERAVIPURAM, KOLLAM-691303
CURRENTLY RESIDING AT A.R. CAMP POLICE QUARTERS,
NO.D4B, A.R.CAMP POLICE QUARTERS,KOLLAM, PIN - 691001
- 6 DILEEP KHAN
VINOD MANZIL, MAYYANAD P.O., ERAVIPURAM, KOLLAM-691303
CURRENTLY RESIDING AT A.R. CAMP POLICE QUARTERS,
NO.D4B, A.R.CAMP POLICE QUARTERS,KOLLAM, PIN - 691001
- SRI. M.C. ASHI, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

Dated this the 18th day of February, 2025

Although learned Counsel for the petitioner strenuously contended that the crime is falsely foisted against his client, whereas the defacto complainant and his relatives are the actual perpetrators, having heard the learned Public Prosecutor also, this Court is of the opinion that the proper remedy is for the petitioner to move the trial court for discharge, since that court will be able to appreciate the contentions better, by sifting the prosecution evidence.

The Crl.M.C is accordingly closed, without prejudice to the petitioner's right to move for discharge



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and directing the court below to pass a reasoned order
on the petition for discharge, if any filed.

**Sd/-
V.G.ARUN
JUDGE**

SSK/18/02



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APPENDIX OF CRL.MC 9169/2023

PETITIONER ANNEXURES

Annexure-A1	CERTIFIED COPY OF THE FIR IN CRIME NO.120/2019 OF KOLLAM WEST POLICE STATION DATED 11.02.2019
Annexure-A2	CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.124/2019 DATED 14.03.2019
Annexure-A3	TRUE COPY OF I.A.NO.3981/2018 FILED BY THE PETITIONER BEFORE THE FAMILY COURT DATED 10.12.2018
Annexure-A4	TRUE COPY OF THE ORDER PASSED BY THE FAMILY COURT, KOLLAM IN I.A.NO.3981/18 DATED 29.12.18
Annexure-A5	TRUE COPY OF THE RELEVANT PAGE OF THE POLICE AID POST REGISTER OF DISTRICT HOSPITAL KOLLAM DATED 09.02.2019 ISSUED ON 23.03.2019 AS REQUESTED BY THE PETITIONER UNDER THE RTI ACT
Annexure-A6	TRUE COPY OF THE CASUALTY OUT PATIENT TICKET OF THE PETITIONER DATED 09.02.2019 OF DISTRICT HOSPITAL, KOLLAM
Annexure-A7	TRUE COPY OF THE ACCIDENT REGISTER-CUM- WOUND CERTIFICATE DATED 09.02.2019
Annexure-A8	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 09.02.2019
Annexure-A9	TRUE COPY OF THE OUT PATIENT RECORD OF THE PETITIONER AT TALUK HEAD QUARTERS HOSPITAL,



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SASTHAMCOTTA DATED 09.02.2019

Annexure-A10	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 12.02.2019
Annexure-A11	TRUE COPY OF THE RECEIPT OF THE ANNEX-A10 COMPLAINT
Annexure-A12	TRUE COPY OF THE STATEMENT OF THE PETITIONER RECORDED BY THE POLICE ON 16.02.2019
Annexure-A13	TRUE COPY OF THE FIR NO.132/2019 OF WEST POLICE STATION, KOLLAM DATED 16.02.2019
Annexure-A14	TRUE COPY OF THE NOTE DATED 16.02.2019 PREPARED BY THE OFFICER WHO RECORDED THE ANNEX-A11 STATEMENT
Annexure-A15	THE TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER DATED 20.02.2019 ISSUED FROM THE MEDICAL COLLEGE HOSPITAL, ALAPPUZHA
Annexure-A16	TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE DIRECTOR GENERAL OF POLICE, KERALA BY THE ADVOCATE OF THE PETITIONER DATED 27.02.2019
Annexure-A17	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE DGP, KERALA DATED 06.03.2019
Annexure-A18	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE CHIEF MINISTER OF KERALA DATED 06.03.2019
Annexure-A19	TRUE COPY OF THE FABRICATED STATEMENT OF



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THE ADVOCATE

Annexure-A20

TRUE COPY OF THE FINAL REPORT IN CRIME
NO.132/2019 SUBMITTED BEFORE THE JUDICIAL
FIRST-CLASS MAGISTRATE COURT-III, KOLLAM
DATED 18.03.2019

Annexure-A21

TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED
23.11.2019

Annexure-A 22

TRUE COPY RECEIPT OF ANNEX-A21 COMPLAINT
ISSUED BY THE 2ND RESPONDENT OFFICE DATED
23.11.2019

Annexure-A23

TRUE COPY OF THE SAID COMPLAINT SUBMITTED
BEFORE THE CHIEF MINISTER DATED 07.12.2019

Annexure-A24

TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
ADVOCATE OF THE PETITIONER BEFORE THE 2ND
RESPONDENT DATED 26.12.2019

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A. TO JUDGE