

## Muhammed Faizal Vs State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 14, 2025

**Acts Referred:** Bharatiya Nagarik Suraksha Sanhitha, 2023 " Section 35(3)  
Indian Penal Code, 1860 " Section 34, 406, 420

**Hon'ble Judges:** Dr. Kauser Edappagath, J

**Bench:** Single Bench

**Advocate:** P.Mohamed Sabah, Libin Stanley, Saipooja, Sadik Ismayil, R.Gayathri, M.Mahin Hamza, Alwin Joseph, Benson Ambrose, Sreeja V

**Final Decision:** Disposed Of

### Judgement

Dr. Kauser Edappagath, J

1. The petitioner is one of the Directors of a trading company by name and style 'My Club Traders'. Several crimes were registered against the

petitioner alleging offences under Sections 406 and 420 read with 34 of IPC in different police stations across the State. This writ petition has been

filed with respect to the crimes registered against the petitioner in Thrissur and Palakkad Districts. The main prayer in this writ petition is to give a

direction to the respondent Nos. 3 to 5 to issue notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short the BNSS) to

the petitioner in the crime investigated by them if the personal appearance of the petitioner is required for interrogation.

2. It is submitted by the learned Senior Prosecutor Smt. Sreeja that altogether six cases were registered against the petitioner by the Palakkad police

and 29 cases by the Thrissur police. It is further submitted that in all those cases, formal arrest of the petitioner was recorded and he was

interrogated. Hence the question of issuance of notice under Section 35(3) of the BNSS in those cases did not arise at all. If any other crimes are

registered against the petitioner in Thrissur and Palakkad Districts, the procedure under Section 35 of the BNSS shall be complied with in those

crimes.

The writ petition is disposed of as above.