

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 279 of 2015

**MP.8340/2014 IN CC.190/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMKULAM**

PETITIONER(S)/ACCUSED:

**K.J.JOSE, AGED 51 YEARS,
KANNETHUKUZHAY HOUSE, PULLAZHY P.O,
OLARIKKARA, THRISSUR.**

BY ADV. SRI.N.K.MOHANLAL

RESPONDENT(S)/COMPLAINANTS NO.1:

- 1. RONY C.J., AGED 39,
CHITTILAPPILLI HOUSE, ANJOOR VILLAGE,
PUTHEKKARA DESOM,
THRISSUR 690018.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-32.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 28-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A1. COPY OF THE PETITION FILED BY THE ACCUSED TO CALL FOR CERTAIN DOCUMENTS.

ANNEXURE A2. COPY OF THE COUNTER AGAINST THE PETITION TO CALL FOR CERTAIN DOCUMENTS.

ANNEXURE A3. COPY OF THE PETITION MP 8340/2014 DATED 21.01.14.

ANNEXURE A4. COPY OF THE COUNTER FILED AGAINST THE PETITION MP 8340/2014.

ANNEXURE A5. COPY OF THE ORDER IN MP 8340/2014 IN CC 190/2011 DATED 12.11.14 OF HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM.

ANNEXURE A: THE CERTIFIED COPY OF THE DEPOSITION OF PW1 IN CC.190/2011 OF HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT OF KUNNAMKULAM.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.279 of 2015 G
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Dated this the 28th day of October, 2015

ORDER

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Petitioner is the accused in CC No.190/2011 of the Judicial First Class Magistrate's Court, Kunnamkulam for the offence punishable under Section 138 of the NI Act. It seems that the petitioner has filed MP No.8340/2014 for getting the cheque in question examined by the handwriting expert. The court below has dismissed the said MP through Annexure-A5 by highlighting the ground that it would not make any difference even if it is shown that the handwritings in the cheque are not that of the petitioner. It is also stated that the attempt of the petitioner is to drag on the matter. The case is of the year 2011. The transaction had allegedly occurred on 10.04.2005. The cheque is dated 20.07.2005. In fact, it is a 2005 matter, which is still pending. The petitioner could so far prolong the matter. On going through

the order passed by the court below, this Court does not find anything to interfere with the order.

2. The learned counsel for the petitioner has pointed out that the petitioner had filed Annexure-A1 petition before the court below and the same is not so far disposed of. In case the same is not disposed of, the court below shall look into the matter and dispose of the same, expeditiously, in accordance with law.

With the said direction, this Crl.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/10

// True Copy //

PA to Judge