

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No. 341 of 2015 ()

(C.C NO.1039 OF 2011 PASSED BY THE COURT OF THE JUDICIAL MAGISTRATE OF
THE FIRST CLASS - IV, KOZHIKODE)

PETITIONER(S)/PETITIONER/ 1ST ACCUSED:

P.A ROSHAN MUHAMMED AFSAL,
S/O.MUHAMMED AFSAL,
AGED 40 YEARS,
PUTHIYAVEETIL HOUSE,
NO 17/5.
NR.MANOJ THEATRE,
CHENTHRAPPINNI.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENT(S)/RESPONDENTS/RESPONDENT/STATE & DEFACITOR COMPLAINANT:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682031.
2. DR SUNAINA,
'SAYOS', KAINDADI LAYOUT,
FLORICAN ROAD
MALAPARAMB, CALICUT-673009.

R1 BY PUBLIC PROSECUTOR JIBU.P.THOMAS
R2 BY ADV. SRI.C.P.MOHAMMED NIAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 341 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE

**ANNEXURE A:-TRUE COPY OF THE PETITION PREFERRED AS CMP NO 7278 OF 2014
IN CC NO 1039 OF 2011 BEFORE THE COURT THE JUDICIAL
MAGISTRATE OF THE FIRST CLASS IV, KOZHIKODE.**

**ANNXURE B:-TRUE COPY OF THE ORDER DATED 17/1/2015 IN CMP NO 7278 OF 2014
IN CC NO 1039 OF 2011 PASSED BY COURT OF THE JUDICIAL
MAGISTRATE OF THE FIRST CLASS IV, KOZHIKODE.**

**ANNEXURE C:-TRUE COPY OF THE DEPOSITION OF PW1 RECORDED IN CC NO 1039
OF 2011 PENDING BEFORE THE COURT OF THE JUDICIAL
MAGISTRATE OF THEFIRST CLASS IV, KOZHIKODE.**

RESPONDENT(S)' ANNEXURES : NIL

/TRUE COPY/

P.ATO JUDGE

vmr.

B.KEMAL PASHA, J.

CrI.M.C.No.341 of 2015 C

Dated this the 24th day of March 2015

ORDER

The first accused in C.C. No.1039/2011 of the Judicial First Class Magistrate's Court - IV, Kozhikode, has come up under Section 482 of Cr.P.C. for getting order dated 17.1.2015 in C.M.P. No.7278/14 in the case passed by the court below set aside. It is also prayed that the court below has to be directed to drop the proceedings.

2. Heard the learned counsel for the petitioner, learned counsel for second respondent and the learned Public Prosecutor.

3. It seems that the offence alleged against the petitioner and the other accused is one under Section 406 of the I.P.C. read with Section 34 of the I.P. C. It seems that PW1 has been extensively

examined before the court below. This court is not presently making any opinion with regard to the evidence tendered by PW1. At present, I do not find any materials to direct the court below to drop the proceedings. Let the trial be continued and the court take a final decision in the matter, after evidence, in the usual course.

This Crl.M.C. is disposed of accordingly.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge