

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 545 of 2015 ()

**CRRP 4/2015 of SESSIONS COURT,THRISSUR
MP 5806/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,THRISSUR
=====**

PETITIONER/REVISION PETITIONER/COMPLAINANT:

**EVANGELICAL SOCIAL ACTION FORUM
P.B.NO.12, IIND FLOOR, HEPHZIBAH COMPLEX
MANNUTHY P.O., THRISSUR REPRESENTED BY
AUTHORIZED SIGNATORY AND AREA MANAGER
BIJU EJ., AGED 39 YEARS, S/O.JOSE
ELAVANTHINKAL HOUSE, MUDIKKODU DESOM
PERINCHERRY VILLAGE, THRISSUR DISTRICT**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/RESPONDENTS/ACCUSED & STATE:

**1. SAJIMON T.V., S/O.VIJAYAN
THURAMATTATHIL HOUSE
PYNABU P.O., IDUKKI 685602**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE PETITION DATED 29.08.2014,
CMP.NO.5806/2014 IN CCNO.2665/2008 FILED BEFORE THE JUDL.
FIRST CLASS MAGISTRATE COURT-II, THRISSUR.**

**ANNEXURE B: CERTIFIED COPY OF THE ORDER DATED 19.09.2014 IN
CMP.NO.5806/2014 IN CC.NO.2665/2008 PASSED BY THE JUDL. FIRST
CLASS MAGISTRATE COURT-II, THRISSUR**

**ANNEXURE C: PHOTOCOPY OF THE EXTRACT OF 'A' DIARY REGISTER DATED
19.09.2014 ON THE FILE OF THE JUDL. FIRST CLASS MAGISTRATE
COURT-II, THRISSUR**

**ANNEXURE D: CARBON COPY OF THE ORDER DATED 17.01.2015 IN CRL.RP.NO.4/2015
PASSED BY THE SESSIONS COURT, THRISSUR.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.545 of 2015

Dated this the 27th day of February, 2015

O R D E R

The petitioner herein is the complainant in C.C.No.2665/2008 of the Judicial First Class Magistrate Court-II, Thrissur. It is a prosecution brought under Section 138 of the Negotiable Instruments Act. During the trial process, the complainant made an application under Section 311 Cr.P.C. to recall PW2 partly examined on his side. The trial court granted so many chances to examine the witness further, but every time the complainant failed. In such a situation, the learned Magistrate allowed the application filed as MP No.5806/2014 on a condition that Rs.3500/- shall be paid as cost to the accused within ten days. The said order dated 19.09.2014 is under challenge. In the nature of disposal, I feel that notice to the accused in the crime can be dispensed with.

2. On hearing learned counsel and on perusal of the impugned order, I find no reason to interfere in the impugned order. I find that the condition for payment of cost to the

accused was rightly imposed by the learned Magistrate, in view of the consistent failure on the part of the complainant to take necessary steps to recall and further examine his own witness. The learned counsel now makes a request to grant some time to the petitioner to make payment of amount to the accused. It is appropriate in the present circumstances that the petitioner be granted some reasonable time. He is accordingly granted time for two weeks from this date to make payment of cost ordered by the trial court.

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

Sd/-

P. UBAID, JUDGE

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