

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 641 of 2015 ()

CC.NO. 785/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, ALUVA

PETITIONER(S)/RESPONDENTS:

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1. PRAVIN KUMAR B.,S/O.BALAKRISHNAN,
BLOCK NO.201, THULASI BHAVAN,
KALLAR.P.O., IDUKKI-685 552.
 2. EMMY AUGUSTUS,
W/O.AUGUSTUS CYRIL, 14/1242, MOONTHINGAL,
MOOLAMKUZHI, NAZARATH, COCHIN-682 001.
 3. BETTY THOMAS,
W/O.MR.THOMAS K.J, KALATHIPARAMBIL HOUSE,
ALAPPAT CROSS ROAD, RAVIPURAM, COCHIN-682 015,
ERNAKULAM DISTRICT.

BY ADV. SRI.DEEPU THANKAN

RESPONDENT(S)/PLAINTIFF:

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1. NAZEER V.K.,
S/O.V.K.ABDUL KAREEM, VATHUKKAL PARAMBIL,
KAKKANADU.P.O., NEAR KWA WATER TANK, KOCHI-682 030.
 2. STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADVS. SRI.P.H.SHAJAHAN
SRI.A.HAROON RASHEED
R2 BY PUBLIC PROSECUTOR SMT. P.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A- TRUE COPY OF THE ORDER OF THE DIRECTOR OF INDUSTRIES AND COMMERCE, TRIVANDRUM, DATED 30.8.2008.**
- ANNEX B- TRUE COPY OF THE LETTER OF THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM, AS PER HIS LETTER DATED 18.9.2008.**
- ANNEX C- TRUE COPY OF THE LETTER DATED 14.11.2008 OF THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM.**
- ANNEX D- TRUE COPY OF THE PROCEEDINGS BY WHICH DISTRICT INDUSTRIES CENTRE ACCEPTED THE NEW PARTNERSHIP DEED DATED 6.10.2009.**
- ANNEX E- TRUE COPY OF THE JUDGMENT IN W.P.NO.37055/2009 DATED 26.3.2010.**
- ANNEX F- TRUE COPY OF THE ORDER OF THE DIRECTOR OF INDUSTRIES AND COMMERCE, GOVT. OF KERALA DT. 18.6.2010.**
- ANNEX G- TRUE COPY OF THE HIRE PURCHASE AGREEMENT BETWEEN THE DIC, ERNAKULAM DATED 7.7.2010.**
- ANNEX H- TRUE COPY OF THE JUDGMENT DATED 31.3.2011.**
- ANNEX I- TRUE COPY OF THE PLAINT FILED BEFORE THE MUNSIF COURT, ERNAKULAM IN O.S.NO.679/2011 DATED 27/7/2011**
- ANNEX J- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONERS IN O.S.NO.679/2011 BEFORE THE MUNSIF COURT, ERNAKULAM.**
- ANNEX K- TRUE COPY OF THE JUDGMENT IN O.S.NO.679/2011 BEFORE THE MUNSIF COURT, ERNAKULAM.**
- ANNEX L- TRUE COPY OF THE ORDER OF THE GENERAL MANAGER, DIC ERNAKULAM DT. 15.5.2012.**
- ANNEX M- TRUE COPY OF THE CMP NO.172/2011 FILED BEFORE THE 1ST RESPONDENT, BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, ALUVA DATED 21.1.2011.**
- ANNEX N- TRUE COPY OF THE FIR DATED 3.2.2011 REGISTERED BY THE SUB INSPECTOR OF POLICE, KALAMASSERY.**

CRL.MC.NO.641/2015

**ANNEX O- TRUE COPY OF THE CMP.NO.3034/2011 DATED 30.11.2011 FILED
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA.**

**ANNEX P- TRUE COPY OF THE PROCEEDINGS SHEET IN CMP NO.3034/2011 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA ON 18/11/2014.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 641 of 2015

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Dated this the 5th day of October, 2015

ORDER

Dissatisfied with the investigation and the final report whereby the case was referred, the 1st respondent has filed a complaint seeking further investigation in the matter. The learned Magistrate, on 07.12.2011, applied his mind and passed an order to the effect that there is no meaning in ordering a further investigation in view of the earlier refer charge. The 1st respondent was allowed to adduce evidence in support of the allegations contained in the said complaint. Consequently, after repeated postings, the matter was finalized and on 19.08.2014, and the learned Magistrate has chosen to take cognizance of the offences punishable under Sections 406, 420 and 120B IPC against A1, A2 and A3 alone. No cognizance was taken on the offence under Section 468 IPC.

2. Presently, there is nothing to interfere with the order passed by the learned Magistrate. The petitioners will get enough opportunities to defend the matter. The present stage is too premature to say that the complaint as such is false.

With liberty to the petitioners to approach this Court or any other appropriate forum at the appropriate stage, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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