

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Cr1.MC.No. 661 of 2015 ()

CMP 7298/2014 IN C.C.NO.1677 OF 2011 of JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, AMBALAPUZHA

PETITIONER/PETITIONER/ACCUSED NO.1:

MOHAN N., AGED 60 YEARS,
S/O.NEELAKANDA PILLAI, SIVAKAMI MANDIRAM, M.O.WARD,
ALAPPUZHA DISTRICT, PIN: 688 001.

BY ADV. SRI.GOKUL DAS V.V.H.

RESPONDENT/COUNTER PETITIONER & STATE/COMPLAINANT & STATE:

1. KOYA,
S/O.YOSUF, VIP COMPOUND, VALIAKULAM,
ALAPPUZHA, PIN: 688 001.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN: 682 031.

R1 BY ADV. SMT.BIMALA BABY
R2 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/23/12/15

APPENDIX

PETITIONER'S ANNEXURES:

AI: COPY OF C.M.P. NO.7298/2014 IN C.C NO.1677/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, AMBALAPUZHA.

AII: COPY OF THE DEPOSITION OF PWI IN C.C NO.1677/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, AMBALAPUZHA.

AIII: COPY OF THE ORDER DATED 7/11/2014 IN C.M.P NO.7298/2014 IN C.C NO.1677/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, AMBALAPUZHA ALONG WITH TYPED COPY.

RESPONDENTS' ANNEXURES:

R1(A) COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT IN C.C.NO.1677 OF 2011.

R1(B) COPY OF THE CABLE TV REGISTRATION CERTIFICATE ISSUED IN FAVOUR OF THE 1ST RESPONDENT DATED 09.07.2009.

R1(C) COPY OF THE CABLE TV REGISTRATION CERTIFICATE ISSUED IN FAVOUR OF THE 1ST RESPONDENT DATED 31.07.2014.

R1(D) COPY OF THE CABLE TV NETWORK SALE TRANSFER AGREEMENT DATED 20.10.2007 BETWEEN THE 1ST RESPONDENT AND ALAPPUZHA SILVERSTAR CABLE CORPORATION BY ITS OWNER SRI.MUHAMMED RAFEEL.

R1(E) COPY OF THE INCOME TAX RETURN 'SARAL' FOR THE AY 2006-2007 DATED 21.04.2006 FILED BY THE 1ST RESPONDENT.

// True Copy //

P.A. To Judge

DSV/23/12/15

B.KEMAL PASHA, J.

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Crl.M.C.No. 661 of 2015

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Dated this the 21st day of December, 2015

O R D E R

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Heard the learned counsel for the petitioner.

2. The petitioner is the 1st accused in C.C.No.1677 of 2011 of the Judicial First Class Magistrate's Court, Ambalapuzha, for the offences punishable under Sections 294(b), 506(ii) and 323 read with Section 34 of the Indian Penal Code.

3. It is a private complaint. The evidence was recorded. The evidence of the complainant was over. At the stage of defence evidence, the petitioner, who is the 1st accused, has sought for the production of some documents by the complainant. The documents sought for are the

receipts for the payment of required charges by the Cable TV operator to the KSEB.

4. A further request was also made that the complainant should be subjected to Narco Analysis. Even prior to that there was another request under Section 410 Cr.P.C to the learned Chief Judicial Magistrate to make over that case from the court below to some other court. The court below has rejected all the said requests forwarded by the 1st accused.

5. On hearing the learned counsel for the petitioner and on considering the matter, this Court is of the view that the court below cannot be found fault with in any manner in rejecting those requests forwarded by the 1st accused. The present documents, of which the production has been sought for, are not in any way connected with the facts in issue. Unnecessarily, a case of 2011 has been dragged on so far. The petitioner cannot be permitted to drag on the matter any further. There is absolutely no irregularity, illegality, impropriety or jurisdictional error in the impugned

order passed by the court below. Matters being so, this Crl.M.C. is devoid of merits and is only to be dismissed and I do so.

In the result, this Crl.M.C. is dismissed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/21/12/15

// True Copy //

P.A. To Judge