

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.MC.No. 760 of 2015 ()

**IN C.M.P NO.8166 OF 2014 IN C.C NO.1053 OF 2012 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, VATAKARA**

PETITIONER(S)/PETITIONERS/ACCUSED:

- 1. ANANDAN AGED 65 YEARS
S/O.KANARAN, NANGIARKKUTTIKUNIYIL HOUSE, VALLIKKAD
MUTTUNGAL (P.O.), VATAKARA TALUK, KOZHIKODE DISTRICT.**
- 2. NALINI AGED 60 YEARS
W/O.ANANDAN, NANGIARKKUTTIKUNIYIL HOUSE, VALLIKKAD
MUTTUNGAL (P.O.), VATAKARA TALUK, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P**

RESPONDENT(S)/RESPONDENT/COMPLAINANT & STATE:

- 1. DEEPTIMENA. G., AGED 34 YEARS
W/O.JAYAPRAKASH, IYYAMKUTTIKUNIYIL HOUSE, VALLIKKAD
MUTTUNGAL (P.O.), VATAKARA TALUK, KOZHIKODE DISTRICT
PIN 673101.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 760 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: TRUE COPY OF THE APPLICATION DATED 22/12/2014.

ANNEXURE-II: CERTIFIED COPY OF THE ORDER IN C.M.P.NO.8166/14 IN C.C.NO.1053/2012 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT 22.12.2014.

ANNEXURE-III: TRUE COPY OF THE MEDICAL CERTIFICATE DATED 19.12.2014.

ANNEXURE-IV: CERTIFIED COPY OF THE DIARY EXTRACT OF THE C.C.NO.1053/12.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.760 of 2015

Dated this the 6th day of February, 2015.

O R D E R

The learned counsel for the petitioner seeks permission to withdraw the proceeding with liberty to file proper application under Section 243 Cr.P.C to recall the witnesses who are yet to be cross examined. No doubt, such a request will be allowed by the learned Magistrate, because it is the right of the accused to cross examine any witness examined by the prosecution. However, in the particular circumstances appropriate orders regarding cost will have to be passed by the learned Magistrate even when application comes under Section 243 Cr.P.C. Permission for withdrawal is granted on submission.

Accordingly, this Crl.M.C is dismissed as withdrawn without prejudice to the right of the petitioners to make necessary application under Section 243 Cr.P.C.

P.UBAID,
JUDGE