

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Crl.MC.No. 885 of 2015 ()

ST 2804/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM

PETITIONER/RESPONDENT/COMPLAINANT

**M/S.KALPETTA JANAKSHEMA MARUTHI CHITS (P)LTD
KALLACHI BRANCH, REPRESENTED BY ITS ZONAL MANAGER
M.MADHUSUDHANAN, S/O.APPU NAIR, AGED 43 YEARS
MANGALASSERI HOUSE, NADUVANNUR P.O, KOYILANDY TALUK 673 614.**

BY ADV. SRI.U.P.BALAKRISHNAN

RESPONDENTS/PETITIONER/ACCUSED & STATE:

**1. RANJITH, AGED 33 YEARS
S/O.KELAPPAN, AYOTH THAZHE KUNIYIL HOUSE, AROOR
P.O KAKKATTIL, KOZHIKODE 673 507.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 885 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE 1. COPY OF THE ORDER IN CMP 212/15 IN ST 2804/12 OF THE JUDICIAL
MAGISTRATE OF FIRST CLASS NADAPURAM.**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C. No.885 of 2015

Dated this the 23rd day of February, 2015

O R D E R

The petitioner herein is the complainant in a prosecution brought under Section 138 of the Negotiable Instruments Act. By way of defence evidence the accused made an application under Section 311 Cr.P.C. to recall the complainant for further cross examination on two documents marked on the side of the complainant. They are Exts.P8 and P9. Finding that such a course is absolutely necessary in the interest of justice and for a just decision the trial court allowed the application filed by the petitioner as CMP No.212/2015 in S.T.No.2804/2012. The said order passed by the learned Judicial First Class Magistrate, Nadapuram is under challenge. On a perusal of the impugned order and on hearing the learned counsel, I find no scope for such interference in the order passed by the court below. The learned Magistrate has stated in detail the genuineness of the request, and the necessity of such a course of further

examination of the complaint for a just decision. It is made clear that the purpose of further examination is only to clarify some points regarding Exts.P8 and P9 documents, and not beyond that. The impugned order tells me that the entire facts were considered in detail by the learned Magistrate, and the learned Magistrate found the absolute necessity of recalling the complainant with the object of giving an opportunity to the accused to prove his case. I find no scope for interference, and accordingly this Crl.M.C. is liable to be dismissed in limine.

In the result, this Crl.M.C. is dismissed in limine, without being admitted to files.

Sd/-

P. UBAID, JUDGE

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