

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Crl.MC.No. 40 of 2013

CC 2/2012 OF CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM.
.....

PETITIONER/ACCUSED:

**BABYKUTTAN PILLAI, AGED 65 YEARS,
S/O BALAKRISHNA PILLA,
RESIDING AT LAVANYA, KANNIMEL,
KILIKOLLOOR, KOLLAM-691 004.**

**BY SMT.SUMATHY DANDAPANI (SENIOR ADVOCATE)
ADV. SRI.MILLU DANDAPANI**

RESPONDENTS/COMPLAINANT AND STATE:

- 1. M/S. AGRITRADEX COMMODITIES (INDIA) PVT. LTD.,
4TH FLOOR, FLAT NO.115, VAIDYA APARTMENTS,
CHINNAKKADA, KOLLAM,
REPRESENTED BY SHRI UDAYAKUMAR,
BRANCH MANAGER, KOLLAM BRANCH.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**

**R1 BY ADV. SRI.V.A.AJIVAS
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S) ANNEXURES:

- ANNEXURE A:** PHOTOCOPY OF THE COMPLAINT DATED 22.7.2001 IN C.C.NO.2 OF 2012 FILED BY THE 1ST RESPONDENT AGAINST THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM.
- ANNEXURE B:** PHOTOCOPY OF SERVICE AGREEMENT DATED 4.4.1994 EXECUTED BETWEEN CBC CORPORTION AND THE PETITIONER.
- ANNEXURE C:** PHOTOCOPY OF SERVICE AGREEMENT DATED 1.10.2005 EXECUTED BETWEEN THE IST RESPONDENT AND THE PETITIONER.
- ANNEXURE D:** PHOTOCOPY OF LETTER DATED 22.10.2007 OF THE 1ST RESPONDENT ISSUED TO THE PETITIONER.
- ANNEXURE E:** PHOTOCOPY OF LETTER DATED 2.1.2008 OF THE PETITIONER ISSUED TO THE 1ST RESPONDENT.
- ANNEXURE F:** PHOTOCOPY OF GOVERNMENT ORDER G.O.(RT) NO.842/2010/LBR DATED 12.5.2010.
- ANNEXURE G:** PHOTOCOPYOF THE COMPLAINT, C.M.P.NO.8857 OF 2009 BEFORE THE CHIEF JUDICIAL MAGISTRTE COURT, KOLLAM, DATED 17.9.2009 FILED BY THE 1ST RESPONDENT AGAINST THE PETITIONER.
- ANNEXURE H:** PHOTOCOPY OF REFER CHARGE IN CRIME NO.831 OF 2010 SUBMITTED BY THE SUB INSPECTOR OF POLICE, KOLLAM EAST POLICE STATION BEFORE THE CHIEF JUDICIAL MAGISTRE COURT, KOLLAM.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

.....
CRL.M.C. No.40 of 2013
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Dated this the 9th day of October, 2015

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

2. A private complaint has been filed by the first respondent against the petitioner alleging offences punishable under Sections 409 and 420 IPC. The said private complaint was referred to the police under Section 156(3) Cr.P.C. After investigation, the police referred the matter. Thereafter, the first respondent has filed a protest complaint before the court below. As and when the protest complaint was filed, the present Crl.M.C. has been filed by challenging the protest complaint on the ground that it was filed as a retaliatory measure against the genuine claim forwarded by the petitioner as against the first respondent

for compensation and other benefits. According to the petitioner, he was working as a consultant with the first respondent and his service was illegally terminated.

3. When the police has referred the matter, the petitioner has chosen to file a protest complaint. The present stage is too premature to enter a decision on the merits or otherwise of the petitioner. The petitioner will get sufficient opportunity at the stage of Section 245 Cr.P.C. to challenge the matter. With that liberty to the petitioner, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge