

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.M.C.No. 103 of 2013 ()

**AGAINST THE ORDER IN CC 422/2010 of J.M.F.C.-I,
THAMARASSERY, DATED 25.10.2012.**

PETITIONER(S):

**VARGHESE MATHEW,
THANNIRAMPOIKAIL NEAR GOVT. U.P. SCHOOL,
PUTHUR P.O., KODUVALLY,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.BABU CHERUKARA
SRI.P.A.SALIM**

RESPONDENT(S):

- 1. STATE OF KERALA. REPRESENTED BY THE SECRETARY
HOME DEPARTMENT, SECRETARIAT, TRIVANDRUM.
PIN 695 001.**
- 2. THE SUB INSPECTOR OF POLICE,
KODUVALLY POLICE STATION,
KOZHIKODE DISTRICT.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN 695 001.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
THAMARASSERY.**

R1-R4 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS :

- ANNEXURE-A1: COPY OF THE STATEMENT OF ACCOUNT FOR THE PERIOD FROM 10/97 TO 11/99 FOR NON FEEDING PROGRAMME OF GOVERNMENT U.P. SCHOOL, PUTHUR.**
- ANNEXURE-A2: COPY OF THE COMMITTEE MEETINGG MINUTES OF THE JOINT MEETING OF PARENT TEACHERS ASSOCIATION COMMITTEE AND THE BUILDING CONSTRUCTION COMMITTEE HELD ON 6.4.2001.**
- ANNEXURE-A3: COPY OF THE DECISION DATED 11.4.2001 OF PUTHUR GOVERNMENT U.P. SCHOOL.**
- ANNEXURE-A4: COPY OF THE BANK ACCOUNT PASS BOOK OF THE PETITIONER.**
- ANNEXURE-A5: COPY OF THE PETITION DATED 19.3.02 BY THE PETITIONER, TO THE ASSISTANT EDUCATIONAL OFFICER, THAMARASSERY.**
- ANNEXURE-A6: COPY OF THE JUDGMENT IN O.P.NO.13059 OF 2002(D) DATED 17.5.2002 OF THE HON'BLE HIGH COURT OF KERALA.**
- ANNEXURE-A7: COPY OF THE ORDER NO.E/1103/2002 DATED 5.8.2002 ISSUED ASSISTANT EDUCATION OFFICER, THAMARASSERY.**
- ANNEXURE-A8: COPY OF THE ORDER DATED 29.5.2004 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.**
- ANNEXURE-A9: COPY OF THE APPEAL MEMORANDUM DATED 20.12.2004 FILED BY THE PETITIONER BEFORE THE DIRECTOR OF PUBLIC INSTRUCTION.**
- ANNEXURE-A10: COPY OF THE ORDER BEARING NO.N.MB/57722/2005 D.P.I. DATED 6.2.2006 BY THE DIRECTOR OF PUBLIC INSTRUCTIONS.**
- ANNEXURE-A11: COPY OF THE P.T.A. ACCOUNT BOOK OF THE PERIOD FROM 1995-96 TO 19.7.2000.**

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- ANNEXURE-A12:** COPY OF THE COMPLAINT BY THE ASSISTANT EDUCATIONAL OFFICER, THAMARASSERY, BEFORE THE SUB INSPECTOR OF POLICE, KODUVALLY.
- ANNEXURE-A13:** COPY OF THE FIR IN CRIME NO.354/06 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, I, THAMARASSERY, DATED 18.11.2006.
- ANNEXURE-A14:** COPY OF THE CHARGE SHEET IN C.C.NO.422/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THAMARASSERY.
- ANNEXURE-A15:** COPY OF THE SEIZURE MAHAZAR IN C.C.NO.422/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THAMARASSERY.
- ANNEXURE-A16:** COPY OF THE ORDER IN CRL.M.C.NO.173 OF 2012 DATED 25.1.2012.
- ANNEXURE-A17:** COPY OF THE G.O.(P) 138/69EDN. DATED 31.3.69 AMENDED AS PER G.O.(P) 178/81/G.EDN. DTD.13.10.81.
- ANNEXURE-A18:** CERTIFIED COPY OF THE ORDER IN C.C. NO.422/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THAMARASSERY.

RESPONDENTS EXHIBITS :

//True Copy//

P.A. to Judge

SS

K. RAMAKRISHNAN, J.

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Dated this the 21st day of January, 2015

ORDER

After arguing for some time, when it was pointed out that the order under challenge, namely, Annexure-A is a revisable order, the counsel for the petitioner sought permission to withdraw this petition with liberty to file revision before the appropriate forum. Permission is granted and the petition is dismissed as withdrawn with the above liberty. If the petitioner files an application for condonation of delay stating these facts, that court can consider the same and pass appropriate orders in the delay condonation application, in accordance with law.

Sd/-

K. RAMAKRISHNAN, (Judge)

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P.A. to Judge

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