

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 393 of 2014 ()

CC.NO. 917/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUTHUPARAMBA
CRIME NO. 120/2013 OF KELAKOM POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.3 AND 4:

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1. VENUGOPAL, AGED 62 YEARS,
APPATTUKURUPPAL HOUSE, AYYANTHOLE,
KANNATH LANE, THRISSUR.
 2. MUKUNDAN, AGED 39 YEARS,S/O.VENUGOPAL,
APPATTUKURUPPAL HOUSE, AYYANTHOLE,
KANNATH LANE, THRISSUR.

BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

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1. TOMY K.P., AGED 35 YEARS,
RESIDING AT KALATHINAMATTATHIL HOUSE,
P.O.KELAKAM, THALASSERY TALUK.
 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.K.LAKSHMINARAYANAN
R2 BY PUBLIC PROSECUTOR SMT. P.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

Crl.MC.No. 393 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A- CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.917/2013 OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRTE, KOTHUPARAMBA.

ANNEX B- TRUE COPY OF THE PRIVATE COMPLAINT PREFERRED BY THE 1ST RESPONDENT BEFORE THE COURT BELOW.

ANNEX C- TRUE COPY OF THE ACKNOWLEDGEMENT OF REGISTRATION.

RESPONDENT(S)' ANNEXURES:

ANNEX R1(A)- COPY OF THE LETTER NO.14/RIA/B1/15 ALONG WITH THE COPY OF FIR IN CRIME NO.1075/12, 1690/12, 220/13, 221/13, 222/13309/13972/13 & 105/15.

ANNEX R1(B)- COPY OF THE ORDER DATED 20/08/13 IN IA.2091/13 IN OS NO.287/13 ON THE FILE OF MUNSIF COURT, KOTHUPARAMBA

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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CRL.M.C. No.393 of 2014

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Dated this the 5th day of October, 2015

ORDER

The petitioners are A3 and A4 in C.C.No.917 of 2013 of the Judicial First Class Magistrate's Court, Kuthuparamba, for the offences under Section 420 IPC.

2. The allegation against the petitioners and the other accused is that by making false representation that they would provide Job Visa for the defacto complainant for procuring employment abroad, an amount of ₹3,15,000/- was obtained by the accused from the defacto complainant. Thereafter, they have not cared to issue any Visa. After that an amount of ₹49,500/- alone was returned and the petitioners had agreed that the balance amount would be paid within a month. After that they have turned a deaf ear towards the demand of the defacto complainant for the balance amount.

3. Presently, no materials are available to see that the acts alleged against the petitioners are not correct. The defacto complainant has got a consistent case that all the accused were involved in the transaction. On hearing the learned counsel for the petitioners and on perusing the records, this Court is of the view that it is too premature to interfere with the matter at present. Matters being so, this Crl.M.C. is devoid of merits and it is only to be dismissed.

In the result, this Crl.M.C. is dismissed. At the same time, the petitioners can bring the matter to the notice of the court below through an application under Section 239 Cr.P.C. In such case, the court below shall consider the said aspects and pass appropriate orders in accordance with law.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/6/10/15

// True Copy //

PA. To Judge