

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Cri.MC.No. 1749 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 656/2009 of J.M.F.C. - I, NORTH PARAVUR
CRIME NO. 195/2008 OF NORTH PARUR POLICE STATION , ERNAKULAM

PETITIONER(S)/PETITIONERS/ACCUSED:

1. VALSALA KUMARI, AGED 62 YEARS
W/O.GOPALAKRISHNAN NAIR, RESIDING AT SREEVILASAM
KIZHAKKEPRA, KOTTUVALLI VILLAGE, NORTH PARAVOOR.
2. SHYAMALA KUMARI, AGED 60 YEARS
W/O.VIJAYAN PANICKER, CHETHIYATTU HOUSE, KIZHAKKEPRA
KOTTUVALLI VILLAGE, NORTH PARAVOOR.
3. REMA DEVI, AGED 59 YEARS
W/O.VIJAY KUMAR (BALAK TRADERS), STADIUM ROAD
NORTH PARAVOOR.
4. GIRIJA KUMARI, AGED 56 YEARS
W/O.SASIKUMAR, CHETHIYATTU HOUSE, KIZHAKKEPRA
KOTTUVALLI VILLAGE, NORTH PARAVOOR.
5. BHUVANENDRA PANICKER, AGED 54 YEARS
S/O.PRABHAKARA PANICKER, CHETHIYATTU HOUSE
KIZHAKKEPRA, KOTTUVALLI VILLAGE, NORTH PARAVOOR
6. JAYAKRISHNAN, AGED 49 YEARS
S/O.PRABHAKARA PANICKER, CHETHIYATTU HOUSE
KIZHAKKEPRA, KOTTUVALLI VILLAGE, NORTH PARAVOOR.

BY ADVS.SRI.AJEESH S.BRITE
SRI.E.A.BIJUMON
SRI. G.PADMAKUMAR

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. MURALEEDHARAN NAIR, AGED 55 YEARS
S/O.NARAYANA PILLAI, LALITHA NIVAS, T P PURAM
P.O.VAZHUR, KOTTAYAM.
- R2 BY ADV. SRI.V.C.JAMES
R2 BY ADV. SRI.C.HARINDRAMOHAN NAIR
R BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: CERTIFIED COPY OF THE PROTEST COMPLAINANT FILED BY THE 2ND RESPONDENT HERE IN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO. 1 AT NORTH PARAVOOR AS CC 656/2009 DATED 19/08/2008.

ANNEXURE II: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 195/2008 OF NORTH PARAVOOR POLICE DATED 27/03/2008.

ANNEXURE III: CERTIFIED COPY OF THE NOTICE OF COMPLAINANT ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO. 1 AT PARAVOOR.

ANNEXURE IV: TRUE COPY OF THE PLAINT IN OS 119/2008 DATED 29/07/2008 BEFORE THE MUNSIFF'S COURT AT PARAVOOR.

ANNEXURE V: TRUE COPY OF THE JUDGMENT IN OS 119/2008 BY THE LEARNED MUNSIFF DATED 04/08/2011.

ANNEXURE VI: TRUE COPY OF THE MEMORANDUM OF APPEAL PREFERRED BY THE DEFACTO COMPLAINANT DATED 01/09/2011.

ANNEXURE VII: TRUE COPY OF THE PLAIN IN OS 345/2014 FILED BEFORE THE LEARNED PRINCIPAL MUNSIFFS COURT AT ERNAKULAM.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.1749 of 2015 G
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Dated this the 8th day of December, 2015

ORDER

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Heard learned counsel for the petitioners, learned counsel for the 2nd respondent and learned Public Prosecutor and perused the letter from the Judicial First Class Magistrate's Court-I, North Paravoor.

2. The learned Magistrate has reported that the petitioners have filed a petition seeking discharge before the court below and thereafter, they sought time for arguing the matter. The petition was adjourned three or four times for argument. Finally, it was adjourned to 29.01.2015. The petitioners and their learned counsel were absent on that day also and, therefore, the petition was posted along with the case.

3. It seems that charges have not been framed

against the petitioners so far. The court below shall give one more opportunity to the petitioners to argue the matter. In case the petitioners are ready to argue the matter, the court below shall take up the petition on the next posting day itself, hear the matter and dispose it of, in accordance with law.

With the said observations, this Crl.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/12

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PA to Judge