

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Crl.MC.No. 809 of 2013 ()

Bail Appl. 163/2013 of HIGH COURT OF KERALA

CMP 6763/2012 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT,
PAYYANNUR

CRIME NO. 1489/2012 OF PAYYANNUR POLICE STATION, KANNUR

PETITIONERS/ACCUSED NO. 1 AND 2:

1. AJEER CEETHIRAKATH, AGED 30 YEARS,
S/O. KURUPPILLAKATH MUHAMMED ALI,
RESIDING AT MADAKKAL P.O., UDUMBUNTHALA,
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

2. M.K.MUHAMMED ALI, AGED 50 YEARS,
S/O. V.K.MOOSA, RESIDING AT MADAKKAL,
P.O.UDUMBUNTHALA, SOUTH TRIKARIPUR VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS/COMPLAINANTS:

1. M.K.SAYEED, AGED 37 YEARS,
S/O. USMAN HAJI, RESIDING AT MADAKKAL,
P.O.UDUMBUNTHALA, SOUTH TRIKARIPUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT, PIN-671121.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH PAYYANNUR POLICE STATION, KANNUR DISTRICT.

R1 BY ADVS. SRI.P.A.AUGUSTIAN
SRI.M.A.BABY

R2 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I. COPY OF THE COMPLAINT IN C.M.P.NO.6763/2012 OF JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR FILED BY THE 1ST RESPONDENT BEFORE JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR DATED 27.12.2012.

ANNEXURE II. COPY OF THE F.I.R IN CRIME NO.1489/2012 OF PAYYANNUR POLICE REGISTERED AGAINST THESE PETITIONERS DATED 28.12.2012.

ANNEXURE III. COPY OF AGREEMENT DATED 10.09.2011 EXECUTED BY THE 1ST PETITIONER IN FAVOUR OF THE 1ST RESPONDENT.

ANNEXURE IV. COPY OF COUNTER AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT DATED 30.01.2013.

ANNEXURE V. COPY OF ORDER IN B.A.163/2013 DATED 31.03.13 PASSED BY THIS HON'BLE COURT.

ANNEXURE VI. COPY OF THE PLAINT IN O.S.11/13 BEFORE SUB COURT, HOSDURG.

ANNEXURE VII. COPY OF AFFIDAVIT FILED BY 1ST RESPONDENT IN SUPPORT OF I.A.NO.129/2013 IN O.S.11/13.

ANNEXURE VIII. COPY OF LAWYER NOTICE DATED 31.12.2012 TO THE PETITIONERS ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

R1 A COPY OF THE AGREEMENT DATED 10.02.2011.

R1 B COPY OF THE AGREEMENT DATED 05.05.2011.

R1 C COPY OF THE AGREEMENT DATED 05.05.2011.

R1 D COPY OF THE AGREEMENT DATED 10.09.2011.

R1 E COPY OF THE AGREEMENT DATED 06.12.2012.

R1 F COPY OF ENCUMBRANCE CERTIFICATE.

R1 G COPIES OF THE COMPLAINT BY THE SPONSOR.

R1 H COPY OF THE FIR UNDER CRIME NO.198/2013 DATED 21.03.2013.

// True Copy //

P.A. To Judge

B.KEMAL PASHA, J.

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Crl.M.C. No. 809 of 2013

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Dated this the 11th day of November, 2015

ORDER

Heard the learned counsel for the petitioners, the learned counsel for the 1st respondent and the learned Public Prosecutor.

2. What is under challenge is Annexure-I complaint and Annexure-II First Information Report in Crime No.1489 of 2012 of the Payyannur Police Station.

3. The learned Public Prosecutor submits that the investigation is over in the matter and a Final Report has already been filed before the court below, and presently the matter is pending as C.C.No.1395 of 2014 before the Judicial First Class Magistrate's Court, Payyannur.

With liberty to the petitioner to challenge the Final Report, in case of any further grievance, this Crl.M.C. is closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/11/11/15

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PA. To Judge