

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 1881 of 2015 ()

CC. NO.541/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR.
CRIME NO. 1385/2014 OF THRISSUR TOWN EAST POLICE STATION.

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PETITIONER/ACCUSED:

THILAKAN, AGED 43 YEARS,
S/O.GOVINDAN, VALIYAPARAMBIL HOUSE,
POTTORE, THRISSUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL,
SMT.R.RAJITHA,
SRI.K.D.SREEVISAKH.

RESPONDENT/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.

2. JEKO, S/O.CHERU,
VADAKKUTT HOUSE, K.K. LANE,
PUNKUNNAM, THRISSUR-680 002.

R1 BY PUBLIC PROSECUTOR SRI.ABDUL KARIM.(FOR A.D.G.P.)
R2 BY ADV. SRI.K.B.GANGESH.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A- CERTIFIED COPY OF THE FIR REPORT IN CRIME NO.1385/2014
OF TOWN EAST POLICE STATION, THRISSUR.**

**ANNEXURE B- CERTIFIED COPY OF FINAL REPORT IN CIME NO.1385/2014 OF
TOWN EAST POLICE STATION, THRISSUR.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.1881 of 2015
.....

Dated this the 29th day of September, 2015

ORDER

Petitioner is presently the sole accused in C.C.No.541/14 of the Chief Judicial Magistrate's Court, Thrissur, which has arisen from Crime No.1385/14 of the Thrissur Town East Police Station, for the offences punishable under Sections 406, 464 and 465 IPC.

2. Originally there were two accused in the crime. The 2nd accused in the crime is the wife of the petitioner. On investigation, it was revealed that the 2nd accused had no role to play in the incident and therefore, she was removed from the array of the accused.

3. The allegation against the petitioner is that the defacto complainant was the guarantor to his brother in a

chitty being conducted by the petitioner and when the chitty was priced in favour of the brother of the defacto complainant, the defacto complainant was asked to sign some blank stamp papers. Further, two cheques were also allegedly obtained. The allegation is that by making use of the said blank signed stamp papers, an agreement for sale of immovable property was cooked up and a suit was filed for specific performance etc. The defacto complainant has filed the present complaint before the Chief Judicial Magistrate's Court, Thrissur and the same was referred to police under Section 156(3) Cr.P.C. The matter was investigated and a final report has been filed against the petitioner by arraying him as the sole accused and removing the 2nd accused. Presently, it is too premature to consider the merits or otherwise of the case against the petitioner, and the matter depends upon the evidence that would be tendered.

4. Matters being so, the petitioner can have

recourse to Section 239 Cr.P.C. before the court below, in case of any grievance. With liberty to the petitioner to file an application under Section 239 Cr.P.C., this Crl.M.C is closed, for the time being.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge