

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No. 2485 of 2015

CRMP 4000/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COUERT, KUNNAMKULAM

PETITIONER(S)/COMPLAINANT:

**B.R.D SECURITIES LTD.,
BETHANY COMPLEX, THRISSUR ROAD, KUNNAMKULAM,
REP. BY ITS LITIGATION CLERK,
P.M.MIDHUN AGED 26 YEARS, S/O.MUKUNDAN, PATHIALA HOUSE,
MULLASSERY P.O., CHAVAKKAD TALUK, THRISSUR.**

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

RESPONDENT(S)/ACCUSED & STATE:

- 1. KHADEEJA,
W/O.BASHEER, MANNISSERY HOUSE, NASEEMA MANZIL,
KOLAMANNA, HAJIARPALLI P.O., MALAPPURAM - 676 519.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGHT COURT OF KERALA, ERNAKULAM - 682 031.**

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2485 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: TRUE COPY OF THE COMPLAINT FILED AS CRL.M.P.4000/11 BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM.**

**ANNEXURE B: CERTIFIED COPY OF THE ORDER DTD.20.9.2014 IN CC.NO.86/203 OF
JUDICIAL FIRTST CLASS MAGISTRATE COURT, KUNNAMKULAM.**

ANNEXURE C: AN AFFIDAVIT FILED BY THE PETITIONER.

**ANNEXURE D: CERTIFIED COPY OF THE ORDER DTD.20.10.201114 PASSED UPON
ANNEXURE A COMPLAINT BY THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, PARAPPANANGADI AND ITS TYPED COPY.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS,J.

Crl.M.C.No.2485 of 2015

Dated this the 21st day of May, 2015

ORDER

The prayer in this Crl.M.C. is to set aside the Annexure-D order passed by the Judicial First Class Magistrate Court, Parappanangadi.

2. Heard, Sri.Santhosh P. Poduval learned counsel for the petitioner.

3. Having considered the totality of the facts and circumstances of the case it is ordered in interest of justice that, the court below concerned is duty bound to pass judicial order effecting its decisions and supported by reasons. In this view of the matter the impugned Annexure-D order passed by the Judicial First Class Magistrate Court, Parappanangadi on 20/10/2014 is set aside. The petitioner is permitted to represent the complaint earlier returned after the issuance of the impugned direction of the order without further delay. The learned Magistrate will pass a reasoned order stating

the exact defects in the matter and also the details of the judgment of the Apex Court referred to in the impugned order, so that the petitioner should take further steps in the matter in accordance with law. The learned Magistrate to pass the orders as directed above within a period of two weeks from the date of production of a certified copy of this order and after giving reasonable opportunity of being heard to the counsel appearing for the petitioner before the court below.

With these observations and directions the Crl.M.C.stands finally disposed of.

Sd/- **ALEXANDER THOMAS**
JUDGE

MJL