

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No.1520 of 2014

**CC NO.122/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KANJIRAPPALLY.
CRIME NO.381/2011 OF PALLIKKATHODE POLICE STATION,KOTTAYAM.**

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PETITIONER'S/ACCUSED:

1. **MATHEW,AGED 56 YEARS,S/O.MARKOSE,
RESIDING AT VAKKICHIRA PAPPACHU'S HOUSE,
KURUMBANAD,MADAPPALLY.**
2. **RAJAN MARKOSE,S/O.MARKOSE,EDATHARA HOUSE,
KOTHALA,KOROPPADA,KOTTAYAM.**

BY ADV.SRI.M.J.THOMAS

RESPONDENT'S/STATE & DEFACTO COMPLAINANT:

1. **STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
2. **ANNAMMA,W/O.MATHEWKUTTY,OVOLIL HOUSE,
KURUMBANAD P.O,MALLAPPALLY.**

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A:TRUE COPY OF THE CHARGE SHEET IN C.C NO.122/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1, KANJIRAPPALLY.

ANNEXURE B:TRUE COPY OF THE CMP NO.38252011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1,KANJIRAPPALLY.

ANNEXURE C:TRUE COPY OF THE FIR IN CRIME NO.381/2011 OF PALLICKATHODU POLICE STATION.

ANNEXURE D:TRUE COPY OF THE TAX RECEIPT IN RESPECT OF 17.40 ARES ISSUED BY THE VILLAGE OFFICER,KOROPPADA.

ANNEXURE E:TRUE COPY OF THE TAX RECEIPT IN RESPECT OF 3.64 ARES ISSUED BY THE VILLAGE OFFICER,KOROPPADA.

ANNEXURE F:TRUE COPY OF THE ADDITIONAL STATEMENT OF THE 2ND RESPONDENT.

ANNEXURE G:TRUE COPY OF THE 162 STATEMENT OF CW2 BINZ.

ANNEXURE H:TRUE COPY OF THE 162 STATEMENT OF CW3 SOMAN.

ANNEXURE I:TRUE COPY OF THE STATEMENT OF CW4 JOHN MATHEW.

ANNEXURE J:TRUE COPY OF THE BASIS LAND TAX RECEIPT.

ANNEXURE K:TRUE COPY OF THE AFFIDAVIT OF THE WIFE OF THE 2ND PETITIONER.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. ABRAHAM MATHEW, J.

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Crl. M.C. No. 1520 of 2014

Dated this the 22nd day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. Petitioners are accused in C.C. No. 122 of 2012 on the file of the Judicial First Class Magistrate-I, Kanjirappally. They are charged with having committed the offences under Sections 418 and 420 IPC. The prayer is to quash the proceedings in the criminal case on the ground that no offence is made out against them.

3. Heard.

4. The proceedings in the criminal case has sought to be quashed on the ground that the materials relied on by the prosecution do not disclose commission of the offences by the petitioners. If that is true, their remedy is to plead for discharge in the trial Court.

In the result, this Crl.M.C. is dismissed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge