

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Cr1.MC.No. 1554 of 2014 ()

CC 4/2013 of CHIEF JUDICIAL MAGISTRATE'S COURT, ERNAKULAM

PETITIONER/ACCUSED:

M.A.THANKAMANI, AGED 63 YEARS,
W/O VASU, RICHOO'S BACKERY & COOL BAR,
THIRUVANKULAM VILLAGE, THIRUVANKULAM P.O
ERNAKULAM DISTRICT.

BY ADVS.SRI.ABRAHAM P.GEORGE
SRI.K.VINODKUMAR (707/89)
SMT.M.SANTHY

RESPONDENTS/ STATE AND COMPLAINANT:

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

2. C.K. VARGHESE KUTTY, AGED 58 YEARS,
S/O LATE C.V. KURIAN, CHETHIMATTATHIL HOUSE,
VAYALIL ROAD, THIRUVANKULAM P.O,
ERNAKULAM DISTRICT-682 021.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA
R2 BY ADV. SRI.ANIL KUMAR M.SIVARAMAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/31/10/15

Cr1.MC.No. 1554 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1 COPY OF THE COMPLAINT IN CC NO 4/2013 IN THE FILE
CJM COURT, ERNAKULAM.

ANNEXURE A2 COPY OF THE PLAINT O.S NO 489/2011 IN THE FILE OF
THE MUNSIFF'S COURT, ERNAKULAM SUBMITTED BY THE COMPLAINANT.

ANNEXURE A3 THE WRITTEN STATEMENT FILED BY THE IST DEFENDANT
IN O.S NO 489/2011.

ANNEXURE A4 COPY OF THE I.A NO 4867/2012 FILED BY THE ACCUSED
IN O.S NO 489/2011.

ANNEXURE A5 COPY OF THE JUDGEMENT PASSED BY THE HON'BLE
MUNSIFF COURT IN O.S 495/2012.

ANNEXURE A6 AFFIDAVIT SIGNED BY MERCY SAJAN DATED 17.03.2014.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/31/10/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 1554 of 2014

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Dated this the 28th day of October, 2015

ORDER

The petitioner is the accused in C.C.No.4 of 2013 of the Chief Judicial Magistrate's Court, Ernakulam for the offences under Sections 499 and 500 IPC.

2. According to the petitioner, it was an accidental slip in having made such an averment in the written statement prepared by her Lawyer and it was not intentionally included in the written statement to defame the complainant.

3. On hearing either side, it has come out that the contentions presently being resorted to by the petitioner are matters based on evidence. It is too premature at this stage to

consider the merit or otherwise of the contentions resorted to by the petitioner.

4. The learned counsel for the petitioner has pointed out that the petitioner being an old woman, may be permitted to get exemption from personal appearance before the court below as far as practicable.

5. The court below shall grant exemption to the petitioner as far as practicable. At the same time, during evidence in the matter, in case the petitioner wants exemption, she shall file an affidavit before the court below that she has no challenge regarding the identity.

With the said observations, this Crl.M.C. is dismissed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/28/10/15

// True Copy //

P.A. To Judge