

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Crl.MC.No. 3001 of 2015

**CC 1101/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI
CRIME NO. 540/2014 OF THRITHALA POLICE STATION, PALAKKAD**
.....

PETITIONER(S)/ACCUSED:

**K.SUJATHA, AGED 53 YEARS,
D/O.KRISHNANKUTTY NAMBIAR, SURANJALI, MALAMAKKAVU P.O.,
KUNDALLUR (VIA), PINCODE 679 554, PALAKKAD DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON
SMT.K.R.DEEPA**

RESPONDENT(S)/(STATE & COMPLAINANTS):

- 1. STATE OF KERALA,
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.540/2014 OF THRITHALA POLICE STATION).**
- 2. KALLIANIKUTTY, W/O.GOPINADHAN,
OZHUKIL VALAPPIL HOUSE, MALAMAKKAVU P.O.,
KUDALLUR (VIA), PIN - 679 554, PALAKKAD DISTRICT.**
- 3. PADMAVATHI K.V., KALLINGAL PARAMBIL,
MALAMAKKAVU P.O., KUDALLUR (VIA), PIN - 679 554,
PALAKKAD DISTRICT.**
- 4. T.P.SANTHA, THOTTAMPULATH HOUSE,
MALAMAKKAVU P.O., KUDALLUR (VIA), PIN 679 554,
PALAKKAD DISTRICT.**

R1 BY PUBLIC PROSECUTOR SMT.REMA R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-06-2015 ALONG WITH CRL.MC.NO.3095/2015 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A- TRUE COPY OF THE FIRST INFORMATION REPORT DATED 15.8.2014
OF THE THRITHALA POLICE.**

**ANNEXURE B- TRUE COPY OF THE FINAL REPORT DATED 20.11.2014 SUBMITTED BY
THRITHALA POLICE BEFORE THE JUDICIAL 1ST CLAS MAGISTRATE
COURT, PATTAMBI.**

**ANNEXURE C- TRUE COPY OF THE RELEVANT PORTION OF RULE 10 AND THE
AMENDMENT OF RULE 80 OF THE GRAMIN DAK SEVAK (CONDUCT
AND EMPLOYMENT).**

**ANNEXURE D- TRUE COPY OF THE MEMO OF CHARGES GIVEN TO
V.RAMACHANDRAN BY THE SUPERINTENDENT OF POST OFFICE,
OTTAPPALAM DIVISION DATED 9.9.2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3001 of 2015

Dated this the 17th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The petitioner is alleged to have committed the offences under Secs.409 and 420 of Indian Penal Code. The investigation has been completed and final report filed. The case has been taken on the file of the Judicial First Class Magistrate Court, Pattambi as C.C. No.1101 of 2014. The prayer is to quash the proceedings in the criminal case on the ground that the amount alleged to have been misappropriated is only Rs.2,200/- (Rupees two thousand two hundred only).

3. Heard the learned counsel for the petitioners and for respondents 2 to 4 and the learned Public Prosecutor.

4. Learned counsel relies on Rule 80 of Gramin Dak Sevak (Conduct and Employment) Rules in support of his argument that no prosecution shall be instituted if the amount is not substantial. The amount is said to be not

substantial, if it is less than Rs.5,000/-. The prosecution mentioned in the said provision is not a criminal prosecution but it is a prosecution under the Service Law. So the said Rule is not relevant.

There is no ground to quash the proceedings in the criminal case. In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge