

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 3037 of 2015 (C)

AGAINST THE ORDER IN C.M.P No. 892/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARAVUR (TEMPORARY) DATED 18-05-2015 IN CRIME NO. 72/2010 OF VARAPPUZHA POLICE STATION , ERNAKULAM

PETITIONER(S)/4TH ACCUSED:

**ANJU GEORGE,
D/O. GEORGE THOMAS,
MALAYIL HOUSE, PERIYAR NAGAR
THOTTAKKATTUKARA, ALUVA**

**BY ADVS. SRI. DINESH MATHEW J.MURICKEN
SRI. K.A. ABHILASH**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VARAPUZZHA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-06-15, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- TRUE COPY OF THE COMPLAINT IN CRL.M.P.NO.755/2010 ON THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARAVUR DATED 09.02.2010.

ANNEXURE A2- TRUE COPY OF THE FIR IN CRIME NO.72/2010 OF VARAPUZHA POLICE STATION DATED 10.02.2010.

ANNEXURE A3- TRUE COPY OF C.M.P.NO.892/2015 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARAVUR DATED 31.03.2015.

ANNEXURE A4- TRUE COPY OF C.M.P.NO.892/2015 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARAVUR DATED 18-05-2015.

ANNEXURE A5- TRUE COPY OF THE OFFER ISSUED LETTER FROM TOWERS BUILDING MAINT. LLC, UNITED ARAB EMIRATES DATED 05.04.2015.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

ALEXANDER THOMAS, J.

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Crl.M.C.No.3037 of 2015

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Dated this the 2nd day of June, 2015

O R D E R

The order under challenge is the impugned Annexure A4 order passed by the Judicial First Class Magistrate Court No.III, North Paravur on CMP No.892/2015 in Crime No.72 of 2010 of Varapuzha Police Station, where by the request of the petitioner (who is accused No.4 in the above said crime) to travel abroad in order to pursue her employment there has been rejected by the learned Magistrate.

2. Sri.Dinesh Mathew J Murikan, learned counsel for the petitioner, submits that the crucial factual basis referred to in paragraph 5 of the impugned order that the petitioner as accused No.4 is attempting to go abroad to join her husband, who is accused No.2 in the same crime to evade the process of the law etc. is incorrect and wrong. Learned counsel submit that in the bail application submitted by the petitioner in the above said crime it is

specifically stated that her husband (who is A2) had deserted her and that her father has spent more than Rs.10 Lakhs to clear the debt of the husband and that though the marriage is not dissolved she is living apart from her husband and she has no connection with her husband due to his mis-deeds etc. Accordingly she prays that the impugned order may be quashed as the very factual basis of the said impugned order is not tenable.

3. Heard. Sri.Dinesh Mathew J Murikan, learned counsel for the petitioner and the learned Public Prosecutor. If the above said submission made by the learned counsel for the petitioner are in fact correct, it is for the petitioner to point out these crucial factual aspects along with supporting materials to convince the court about the factual correctness or otherwise of the above said aspects referred to in paragraph 5 of the impugned order, and it is for the court below to reconsider the matter afresh after affording reasonable opportunity to the petitioner and the prosecution.

4. Accordingly, it is ordered that the impugned order is set aside and CMP.No.892/2015 is remitted back to the Judicial First Class Magistrate Court No.III, North Paravur for consideration afresh as directed above. The petitioner may submit necessary

materials in support of her care before the court below and it is for the court below to consider the matter afresh after giving reasonable opportunity to the petitioner and the prosecution. Orders in this regard shall be passed by the court below within a period of one month from the date of production of certified copy of this order.

Crl.M.C. accordingly stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

