

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Cri.MC.No. 1937 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN CC 1684/2012 of J.M.F.C.-II, ALUVA

PETITIONER(S)/PETITIONER/FOURTH ACCUSED:

MOLY, AGED 46,
W/O LATE JOHN, PARADIYIL HOUSE,
MARAKKADAVU KARA
SULTHANBETTERY TALUK, WYNAD.

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENT(S)/RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
ANGAMALY POLICE STATION BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. SEBASTIAN, AGED 37 YEARS
S/O JOSEPH, KADUPIL HOUSE, PARUDESAKAVALA
PADICHIRA VILLAGE, SULTHANBATHERI TALUK
WYNAD DISTRICT.

R2 BY ADV. SRI.BABU KARUKAPADATH
R2 BY ADV. SMT.M.A.VAHEEDA BABU
R2 BY ADV. SRI.K.A.NOUSHAD
R2 BY ADV. SRI.KANDAMPULLY RAHUL
R2 BY ADV. SRI.P.U.VINOD KUMAR
R2 BY ADV. SRI.MITHUN BABY JOHN
R2 BY ADV. SRI.J.RAMKUMAR
R2 BY ADV. SRI.K.P.JOHNSON
R BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1937 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY OF THE F1 STATEMENT.

ANNEXURE B: TRUE COPY OF THE FIR.

ANNEXURE C: CERTIFIED COPY OF THE FINAL REPORT.

ANNEXURE D: CERTIFIED COPY OF 161 STATEMENT.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.1937 of 2014
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Dated this the 3rd day of September, 2015

ORDER

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Petitioner is the 4th accused in C.C.1684/2012 of the Judicial First Class Magistrate's Court-II, Aluva, which is presently pending before the Judicial First Class Magistrate's Court, Angamaly for the offences punishable under Sections 406 and 420 read with Section 34 IPC and Section 26 of the Emigration Act.

2. The allegation against the petitioner is that she had visited the house of the de facto complainant and other similarly placed persons and offered job in Italy, where she has been working. According to the petitioner, during that period, she was not present in India, whereas, she was working in Italy. On the said ground, the petitioner wants to get all further proceedings against her in the said case, quashed.

2. According to the investigating officer, the investigation has revealed that the petitioner had visited the house of the de facto complainant along with the brother of the petitioner.

3. Of course, the merits of those matters and evidence cannot be considered by this Court for invoking the power under Section 482 Cr.P.C. Those are matters to be brought to the notice of the court below while dealing with the matter at the stage of Section 239 Cr.P.C. In case of an application to that effect at that stage, the court below shall consider the application and pass appropriate orders on merits in accordance with law. The court below shall dispense with the personal appearance of the petitioner till the stage of Section 239 Cr.P.C.

With the said liberty, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)