

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No. 3282 of 2015

C.M.P.NO.313/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, TIRUR

**CRIME NO. 517/CR/2013 CBCID OF KUTTIPURAM POLICE STATION ,
MALAPPURAM**

PETITIONER(S)/ACCUSED :

**MOHAMMED ABDUL NOOR, AGED 48 YEARS,
S/O.ABDULLA MUSLIYAR, KAMBALA HOUSE, NOOR MANZIL,
SOUTH BAZZAR, KUTTIPPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S) :

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031 (CRIME NO.517/CR/2013 CBCID,
MALAPPURAM).**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE I: TRUE COPY OF CHART GIVING DETAILS OF THE CASES SETTLED AT THE INSTANCE OF KELSA.

ANNEXURE II: CERTIFIED COPY OF ORDER DATED 31/03/2015 PASSED IN THE JUDICIAL MAGISTRATE OF FIRST CLASS-1, TIRUR, IN CMP NO.313/2015 OF KUTTIPPURAM POLICE STATION CRIME NO.546/2008.

ANNEXURE III: TRUE COPY OF CMP.NO.313/2015 IN CRIME NO.517/CR/2013/CBCID, MALAPPURAM FILED BEFORE THE JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUR.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

Crl.M.C.No.3282 Of 2015

Dated this the 5th day of June, 2015.

ORDER

The order under challenge is Annexure-II rendered on 31.3.2015 in C.M.P.No.313/2015 on the file of the Judicial First Class magistrate Court-I, Tirur arising out of CBCID Crime No.517/CR/2013. Copy of C.M.P.No.313/2015 is produced by the petitioner herein as Annexure-III wherein the subject matter of the averments has been stated in the accompanying affidavit thereon. The prayer in the Crl.M.C is for a direction to release the amount to the petitioner or to KELSA with a direction to disburse the same in execution of the award to the said petitioner. It is seen from a mere reading of Annexure-II that the learned Magistrate has not dealt with the subject matter of Annexure-III application and the prayer made therein and proceeded as if the prayer in the application was in relation to modify the bail condition. This appears to be an inadvertent mistake.

2. In order to ensure that the said mistake is corrected, in the interest of justice, it is ordered that Annexure-II accordingly stand set

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aside. Annexure-III C.M.P.No.313/2015 will stand remitted back to the Judicial First Class Magistrate Court-I, Tirur. The learned Magistrate shall take a decision thereon after affording a reasonable opportunity of being heard to both sides within a period of two weeks from the date of receipt of a copy of this order.

With these observations and directions, this CrI.M.C stands finally disposed.

ALEXANDER THOMAS,
Judge.

bkn/-