

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Crl.MC.No. 3641 of 2015 ()

CC 3849/2014 of JUDICIAL FIRST CLASS MAGISTRATE, KOTHAMANGALAM

PETITIONER/ACCUSED NO. 2 :

**SHAJI S/O. JOSEPH, AGED 52 YEARS,
PADANILAM HOUSE, VADYAMBADI. P.O.,
KOLENCHERY, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENTS/COMPLAINANTS/STATE :

**1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KOTHAMANGALAM THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 683365**

**2. MR. ELDHO.N.BABY, S/O NOT KNOWN,
AGED NOT KNOWN NADUKKUDY HOUSE,
VARAPETTY. P.O, VARAPETTY VILLAGE - 679101**

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: TRUE COPY OF THE FIR DT. 20.04.2013.

ANNEXURE II: TRUE COPY OF THE FIR DT. 20.4.2013.

**ANNEXURE-III: THE TRUE COPY OF THE PETITION AND SAMPLE SIGNATURE FILED
BEFORE THE SUB INSPECTOR OF POLICE, KOTHAMANGALAM
DT.12.03.2014.**

**ANNEXURE-IV: TRUE COPY OF THE PETITION FILED BEFORE THE HONOURABLE
HOME MINISTER OF KERALA.**

**ANNEXURE-V: CERTIFIED COPY OF THE CHARGE SHEET IN CC.3849/14 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT,KOTHAMANGALAM DT.20.4.2013.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
Crl.M.C. No.3641 of 2015
.....

Dated this the 2nd day of September, 2015

ORDER

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Petitioner is the 2nd accused in C.C.3849/2014 of the Judicial First Class Magistrate's Court, Kothamangalam, which has arisen from Crime No.437/2013 of Kothamangalam Police Station for the offences punishable under Sections 406 and 420 read with Section 34 IPC. According to the petitioner, he was not in any way involved in the incident allegedly occurred in the case and that he had no money transactions with the de facto complainant. It is also the case of the petitioner that he had never engaged the other accused for collecting money from anybody.

2. While dealing with the matter under Section 482 Cr.P.C., this Court cannot go into the merits of the evidence collected by the investigating officer at present. It is a warrant trial. It has come out that the charges have not

been framed by the court below.

3. The petitioner can approach the court below with an application seeking discharge at the stage of Section 239 Cr.P.C. In case of such an application, the court below shall consider it and dispose it of in accordance with law at the stage of Sections 239 and 240 Cr.P.C. Further, the court below shall dispose of the application that may be filed by the petitioner seeking bail on the date of filing itself, provided, advance notice is served on the Assistant Public Prosecutor.

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

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/09

// True Copy //

PA to Judge