

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 3699 of 2015

**CC 2163/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PUNALUR
CRIME NO. 1056/2014 OF KULATHUPUZHA POLICE STATION, KOLLAM**
.....

PETITIONER(S)/ACCUSED:

**BINDHU KRISHNAN, AGED 44 YEARS,
D/O.GOMATHI, NANDANAM VEEDU, MYLAMMOODU MURI,
THINGALKARIKKOM VILLAGE, ANCHAL , KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT:

- 1. STATE, REP. BY THE STATION HOUSE OFFICER,
KULATHUPUZHA POLICE STATION,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. SMT. SAKUNTHALA ,
D/O.SREEMATHI, KRISHNA VILASOM, THINGALKARIKKOM VILLAGE,
MYLAMMOODU MURI, KULATHUPUZHA, KOLLAM,
PIN - 691 310.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADV. SRI.M.H.HANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 3699 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:-THE TRUE COPY OF THE FIR AND FIS IN CRIME NO 1056/2014 OF
KULATHUPUZHA POLICE STATION IN KOLLAM DISTRICT.**

**ANNEXURE A2:-THE TRUE COPY OF THE FINAL REPORT IN CRIME NO 1056/2014 OF
KULATHUPUZHA POLICE STATION IN KOLLAM DISTRICT PENDING
AS CC NO 2163/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT I, PUNALUR**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
CRL.M.C. No.3699 of 2015
.....

Dated this the 28th day of October, 2015

ORDER

According to the petitioner, she has been falsely implicated in Crime No.1056/14 of the Kulathupuzha Police Station, Kollam, which is presently pending as C.C.No.2163/14 before the Judicial First Class Magistrate's Court-I, Punalur, registered for the offence punishable under Section 420 IPC. It is the case of the petitioner that even going by the allegations, the dispute highlighted will only enable to bring out a civil transaction and nothing more. At the same time, it can be seen from the final report that there are other allegations also, against the petitioner.

2. On hearing the submissions of the learned counsel for the petitioner, it seems that the contentions

presently resorted to by the petitioner are purely based on evidence collected by the investigating officer in the case. This Court, at this stage, cannot weigh the evidence collected by the investigating officer and go into the intrinsic particulars of the evidence. At the same time, the petitioner can bring those aspects and matters relating to the pending civil litigations between the parties, to the notice of the court below at the stage of Section 239 Cr.P.C. In case such an application is filed, the court below shall dispose of the matter in accordance with law. It is made clear that the court below shall not insist for the personal appearance of the petitioner, till the stage of Section 239 Cr.P.C. With liberty to the petitioner to have recourse to the procedure contemplated under Section 239 Cr.P.C., this CrI.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge