

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Crl.MC.No. 2899 of 2013

CC 176/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
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PETITIONER(S)/ACCUSED NO.3.:

K.N.GOPALAKRISHNAN, AGED 67 YEARS,
S/O.NARAYANAPILLAI, SMARANA, PUTHUKALAVATTOM,
ELAMAKKARA P.O., ERNAKULAM.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031 (CRIME NO.514/2011 OF MEDICAL
COLLEGE POLICE STATION,
KOZHIKODE DISTRICT; NOW PENDING AS 176/2013 PENDING ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM)
2. T.N.SURENDRANATHAN,
S/O.A.C.K.RAJA, S2, BLOCK B,
PVS APARTMENTS, KUTHIRAVATTOM P.O., KOZHIKODE-673 004.

R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADV. SRI.P.VENUGOPAL

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
14-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 2899 of 2013

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: COPY OF THE FINAL REPORT IN CRIME NO.514/2011 OF MEDICAL
COLLEGE POLICE STATION.**

**ANNEXURE-II: COPY OF THE PARTNERSHIP DEED EXECUTED BETWEEN ACCUSED
NO.1 & 2 AS EARLY AS 19.04.2005.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 2899 of 2013

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Dated this the 14th day of December, 2015

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent.

2. The petitioner is the 3rd accused in C.C.No.176/2013 of the Judicial First Class Magistrate's Court, Kunnamangalam, which has arisen from Crime No.514/2011 of the Medical College Police Station, Kozhikode, for the offences punishable under Sections 406 and 420 read with Section 34 IPC.

3. This is a case, in which, allegedly, the accused committed criminal breach of trust and cheated and defrauded the de facto complainant and taken away an amount of ₹39 lakhs from him. It seems that the matter stands unnecessarily stayed. The contentions resorted

to by the petitioner, who is the 3rd accused are matters which have to be considered by the court below. At this stage, this Court cannot go into the intrinsic particulars of the evidence collected by the Investigating Officer and weigh the evidence. The petitioner can bring the present contentions to the notice of the court below at the stage of Section 239 Cr.P.C. The court below shall not insist for the personal appearance of the petitioner till the stage of Section 239 Cr.P.C. In such case, the court below shall consider the said aspects and pass appropriate orders in accordance with law.

With the said liberty to the petitioner, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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