

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Cr1.MC.No. 4003 of 2015 ()

CC 72/2012 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT, ADIMALI
CBCID CRIME NO. 129/CR/KTM/07 OF CBCID, KOTTAYAM

PETITIONER/4TH ACCUSED:

PRADYODANAN K, AGED 77 YEARS,
S/O. KUMARAN, RESIDING AT MAMATHALAYM HOUSE,
ULLALAKARA, THALAYAZHAM VILLAGE, VAIKOM TALUK
KOTTAYAM DISTRICT.

BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI

RESPONDENT/STATE:

THE STATE OF KERALA
THROUGH THE DETECTIVE INSPECTOR,
SPECIAL INVESTIGATION TEAM, CBCID, KOTTAYAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

A1 - COPY OF THE FINAL REPORT IN CBCID CRIME NO.
129/CR/KTM/07 OF CBCID, KOTTAYAM.

A2 - COPY OF THE PATTA IN LA NO. 5/93/ATY DT. 10.3.93
OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.

A3 - COPY OF THE PATTA IN LA NO. 18/93/ATY DT. 10.3.93
OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.

A4 - COPY OF THE STATEMENT DT. 19.2.11 OF CW6.

RESPONDENT'S ANNEXURES:

D1 - COPY OF STATEMENT OF ACTUAL CW6 DATED 03.03.2009.

D2 - COPY OF STATEMENT OF ACTUAL CW6 DATED 10.01.2011.

D3 - COPIES OF THE PROCEEDINGS IN NO.KDIS 4179/97/B5 BY DATED
ON 09.01.1999.

D4 - COPIES OF THE REPORT NO.B3-8471/07 DATED 06.03.2008.

D5 - COPY OF TREASURY BILL BOOK NO.P 12928 IN SPECIMEN CARD
NO.61463.

// True Copy //

P.A. To Judge

DSV/10/9/15

B.KEMAL PASHA, J.

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CRL.M.C. No.4003 of 2015

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Dated this the 7th day of September, 2015

ORDER

Annexures A2 and A3 *Pattas* are in question in CBCID Crime No.129/CR/KTM/07. The petitioner is the 4th accused. According to the petitioner, the 3rd accused was the concerned Land Assignment Tahsildar of Devikulam during the period, in which Annexures A2 and A3 were issued. It has been pointed out by the petitioner that Annexures A2 and A3 were issued by the very same person, as the signature shown in Annexures A2 and A3 belong to the same person. Annexures A2 and A3 were issued on the same day also.

2. Presently, the investigation is over and Final Report has been filed in the matter. The offences alleged are under Sections 447, 465, 468, 471, 420 IPC read with Section 120B IPC. According to the petitioner, the petitioner was not in charge of Land Assignment on the date on which Annexures A2 and A3 were issued. At the same time, CW6 has furnished an additional statement to the effect that the

petitioner was in charge of the Special Tahsildar (Land Assignment), Devikulam during that period.

3. This Court while dealing the matter under Section 482 Cr.P.C., cannot go in to the intrinsic particulars and scrutinize the evidence in a threadbare manner. These are matters, which can be considered by the court below while dealing with the matter under Section 239 Cr.P.C. The charges have not been framed so far. In case the petitioner files application under Section 239 Cr.P.C., the court below shall consider the said the petition on merits and pass appropriate orders in accordance with law.

With the said liberty to the petitioner, the Crl.M.C. Is closed. Till the stage of 239 Cr.P.C., the court below shall not insist the personal appearance of the petitioner.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/7/9/15