

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

CrI.MC.No. 4005 of 2015 ()

**(C.C.NO.34/2014 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, KASARAGOD)**

PETITIONER/COMPLAINANT:

**SREE GOKULAM CHIT & FINANCE CO.PVT. LTD.,
HAVING ITS CORPORATE OFFICE AT SREE GOKULAM TOWERS,
NO.66, ARCOT ROAD, CHENNAI,
TAMIL NADU,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER,
M.T.SUJATHA, AGED 42 YEARS,
W/O. V.RAVEENDRA WARRIER, DIVISION OFFICE,
SREE GOKULAM TOWERS, 1ST FLOOR, NEAR TRAFFIC JUNCTION,
KOTTACHERRY, KANHANGAD, KASARAGOD DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & ACCUSED:

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- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. HASSAINAR B.M.,
S/O. BEDIRA MOHAMMED B.M., AYISHA MANZIL, CHALA ROAD,
VIDYANAGAR, KASARAGOD - 671 123.**

R1 BY PUBLIC PROSECUTOR SRI.N.SURESH.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

Crl.MC.No. 4005 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 - TRUE COPY OF THE COMPLAINT FILED BY THE COMPLAINANT IN
CC NO. 34/2014.**

ANNEXURE A2 - TRUE COPY OF THE APPLICATION DT. 16.4.15.

ANNEXURE A3 - TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER.

ANNEXURE A4 - TRUE COPY OF THE ORDER IN CMP NO. 722/15 DT. 11.5.15.

RESPONDENT(S)' ANNEXURES : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4005 of 2015

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Dated this the 1st day of July, 2015

ORDER

The order under challenge is at Annexure-A4 rendered on 11/05/2015 on CMP No.722/2015 in C.C.No.34/2014. Learned counsel for the petitioner submits that item Nos. 1 and 3 mentioned in Annexure-A2 which are now directed to be given as per the impugned Annexure-A4 order are not relevant for the transaction in question which has resulted in Calendar Case for the offence under Section 138 of the Negotiable Instruments Act. And that the document No. 2 mentioned in Annexure- A2 though relevant has not been directed to be made available as per the impugned order. Since there appears some lack of clarity about the exact documents mentioned in Annexure-A2 that are relevant for the case in question, the petitioner is given liberty to raise his contentions as regards relevance of such documents at the appropriate time before the court below after those documents are made available for the

consideration of the court below. It is made clear that petitioner's contentions in that regard has to be considered on merits by the court below.

With these observations and directions the Crl.M.C. stands finally disposed of .

Sd/- ALEXANDER THOMAS, JUDGE

MJL

