

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 4057 of 2015

C.R.R.P NO.16/2013 OF THE ADDITIONAL SESSIONS COURT-I, KOTTAYAM

**C.M.P.NO.135/2013 IN S.T.NO.14/2012 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, KOTTAYAM**

PETITIONER(S)/ACCUSED :

**JINUMON KURUVILA,
S/O.KURUVILA, KUMBUCKAL HOUSE, MEENACHIL TALUK,
KIDANGOOR VILLAGE.**

**BY ADVS.SRI.JACOB E SIMON
SRI.ANISH LUKOSE**

RESPONDENT(S)/STATE/COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031.**
- 2. SREERAM TRANSPORT COMPANY LTD,
MOOKAMBIKA COMPLEX, 3RD FLOOR, NO.4,
LADY DESIKA ROAD, MYLAPORE,
REPRESENTED BY KOTTAYAM BRANCH MANAGER,
GEETHA COMMERCIAL COMPLEX, NEAR YWCA, M.C.ROAD,
NAGAMPADOM, KOTTAYAM.HO, KOTTAYAM-686 001.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADVS. SRI.RENJITH RAJAPPAN
SMT.SANU S MALAKEEL
SRI.C.HARIKUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A:** TRUE COPY OF THE SAID COMPLAINT NUMBERED AS S.T.NO.14 OF 2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTAYAM.
- ANNEXURE-B:** TRUE COPY OF THE APPLICATION NUMBERED AS CRL.M.P.NO.135/2013 IN S.T.NO.14 OF 2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTAYAM.
- ANNEXURE-C:** TRUE COPY OF THE ORDER IN C.M.P.NO.135/2013 IN S.T.NO.14/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTAYAM DATED 18/04/2013.
- ANNEXURE-D:** TRUE COPY OF THE CRIMINAL REVISION PETITION NO.16/2013 BEFORE THE HON'BLE SESSIONS COURT, KOTTAYAM.
- ANNEXURE-E:** TRUE COPY OF THE ORDER IN CRIMINAL REVISION PETITION NO.16/2013 ON THE FILES OF THE ADDITIONAL SESSION'S COURT-1, KOTTAYAM.
- ANNEXURE-F:** TRUE COPY OF THE BILLS DATED 14/02/2007, 21/02/2007, 29/04/2007 AND 26/06/2007 ISSUED BY THE COMPLAINANT COMPANY.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
CRL.M.C. No.4057 of 2015
.....

Dated this the 27th day of October, 2015

ORDER

The petitioner is the accused in S.T.No.14/12 of the Judicial First Class Magistrate's Court-II, Kottayam for the offence punishable under Section 138 of the N.I.Act. The evidence was closed in the year 2010. Subsequently, the petitioner wanted to put some more questions to PW1 in cross-examination for which he filed an application for recalling PW1 under Section 311 Cr.P.C. The court below has dismissed the said application. Subsequently, according to the petitioner, he could procure Annexure-F documents on the basis of which he wants to confront PW1. So he filed

an application under Section 311 Cr.P.C. The same was dismissed. Challenging the dismissal, a Criminal Revision Petition was also filed, which was also dismissed.

2. It is a fact that the matter has not yet been disposed of by the court below. So far, the petitioner could drag the proceedings. The present request is to get an opportunity to put the very same question based on Annexure-F documents to PW1. Let such an opportunity be granted to the petitioner. The court below shall grant one more opportunity to the petitioner by recalling PW1 to put question based on Annexure-F for confronting PW1. The petitioner is not permitted to produce any further document, other than Annexure-F, before the court below.

In the result, this Crl.M.C. is allowed in part by directing the court below to recall PW1 once again, in order to give one more opportunity to the petitioner to put further questions based on Annexure-F documents to PW1 in cross-examination. Such further examination shall be

confined to matters relating to Annexure-F alone. The court below shall see that the matter is disposed of expeditiously.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge