

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Crl.MC.No. 4132 of 2015 ()

**CC 53/2015 of CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
CRIME NO. 1788/2014 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM**

PETITIONER/ACCUSED :

**JAYAPRASAD M.R.,
S/O. LATE RAGHUVARAN, AGED 48 YEARS, H.NO.43/716,
POWER HOUSE EXTENSION ROAD, ERNAKULAM DISTRICT
PIN. 682018.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

RESPONDENTS/STATE, COMPLAINANT & CW8 :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, KOCHI - 682 031.**
- 3. NELSON JOSEPH,
AGED 40 YEARS, S/O.JOSEPH, ARAKKAL HOUSE,
YMCA ROAD, ELAMKULAM, KOCHI - 682 027.**

**R1 & R2 BY PUBLIC PROSECUTOR
R3 BY ADVS. SRI.ASOK M.CHERIAN
SRI.T.R.RENJITH
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNX.I: TRUE COPY OF THE SALE DEED NO. 205/1963 DATED 25.01.1963.
- ANNX.I(A): TRUE COPY OF THE REGISTERED WILL NO.27/2001 DATED 15.02.2001 EXECUTED BY THE FATHER IN THE NAME OF THE PETITIONER.
- ANNX.I(B): TRUE COPY OF THE TAX RECEIPT ISSUED BY THE CORPORATION OF COCHIN DATED 7.12.2013.
- ANNX.I(C): TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, ERNAKULAM VILLAGE DATED 16.12.2013.
- ANNX.I(D): TRUE COPY OF THE DEATH CERTIFICATE OF THE FATHER OF THE PETITIONER DATED 5.10.2001
- ANNX.II: TRUE COPY OF THE BUILDING PERMIT NO.MOP/7/190/2014 ON 22.03.2014
- ANNX.III: TRUE COPY OF THE NOTICE ISSUED BY THE CORPORATION OF KOCHI REVOKING THE PERMIT DATED 20.06.2014.
- ANNX.IV: TRUE COPY OF THE JUDGMENT IN WPC.NO.16448/2014 DATED 09.07.2014
- ANNX.V: TRUE COPY OF THE NOTICE DATED 30.07.2014 ISSUED BY THE CORPORATION OF KOCHI.
- ANNX.VI: TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO THE CORPORATION OF COCHIN DATED 04.08.2014.
- ANNX.VII: TRUE COPY OF THE APPLICATION DATED 5.8.2014 FILED BY THE PETITIONER BEFORE THE PUBLIC INFORMATION OFFICER, CORPORATION OF KOCHI UNDER RIGHT TO INFORMATION ACT.
- ANNX.VII(A): TRUE COPY OF THE RECEIPT ISSUED BY THE CORPORATION OF COCHIN DATED 5.8.2014.
- ANNX.VIII: TRUE COPY OF THE PROPERTY TAX RECEIPT FOR THE YEAR 2014-15 ISSUED BY THE VILLAGE OFFICER, ERNAKULAM.
- ANNX.IX: ORIGINAL AFFIDAVIT OF THE 3RD RESPONDENT DATED 8.8.2014.
- ANNX.X: TRUE COPY OF THE NOTICE DAED 24.12.2014 GIVEN BYTHE 2ND RESPONDENT TO THE PETITIONER UNDER SECTION 91A1 CR.P.C.
- ANNX.XI: TRUE COPY OF THE JUDGMENT DATED 23.07.2005 IN O.S.NO.166/2003 OF THE SUB COURT, ERNAKULAM.
- ANNX.XII: CERTIFIED COPY OF THE FINAL REPORT IN CC NO.53/2015 DATED 4.8.2014

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

B.KEMAL PASHA, J.

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Crl.M.C. No. 4132 of 2015

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Dated this the 4th day of September, 2015

O R D E R

Heard the learned senior counsel for the petitioner and the learned Public Prosecutor.

2. It seems that Annexure IX affidavit has been filed by the 3rd respondent stating that the corrections were made by him without the knowledge and consent of the petitioner. The court below shall take note of those aspects while dealing with the matter under Section 239 Cr.P.C. The petitioner can move the court below through an application under Section 239 Cr.P.C along with the aforesaid document. In such case, the court below shall consider the application 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