

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. 4168 of 2015

IN CC 1128/2013 of ADDL.C.J.M.(E&O),ERNAKULAM

PETITIONER(S)/PETITIONER/ACCUSED:

**UDAYAKUMAR, AGED 54 YEARS,
SEVEN SEAS BPO SERVICES (PVT) LTD.,
PULINATT BUILDING, OPPOSITE COCHIN SHIPYARD, M.G.ROAD,
PERUMANOOR P.O., KOCHI-16,
NOW AT KALABHAVAN ROAD, KOCHI-18.**

**BY ADVS. SMT. C.G.BINDU
SMT. C.G.AJITHA
SMT. SEEMA.E.GEORGE**

RESPONDENT(S)/RESPONDENTS/COMPLAINANT AND STATE:

- 1. C.K. UNNIKUTTAN, AGED 42 YEARS,
S/O. KUTTAPPAN, CHEEYADI HOSUE, PAZHANGANAD,
KIZHAKKAMBALAM P.O., ERNAKULAM DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**

**R1 BY ADV. SRI. P.T.JOSE
R2 BY PUBLIC PROSECUTOR SMT. SAREENA**

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

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE PROTEST COMPLAINT LODGED BY THE 1ST RESPONDENT HEREIN BEFORE THE CHIEF JUDICIAL MAGISTRATE (ECONOMIC OFFENCES), ERNAKULAM NUMBERED AS C.C. NO.1128/2013.

ANNEXURE 2: TRUE COPY OF THE LABOUR CONTRACT WITH UMAIR ALI SANAD AL SHAHRANI.

ANNEXURE 3: TRUE COPY OF THE RELEVANT EXTRACT OF THE PROCEDURE LAID DOWN FOR SAUDI ARABIAN DRIVING LICENCE.

ANNEXURE 4: TRUE COPY OF THE RELEVANT EXTRACT OF THE PROCEDURE LAID DOWN FOR GETTING THE IQAMA.

ANNEXURE 5: TRUE COPY OF THE LETTER OF UNDERTAKING ISSUED BY THE 2ND RESPONDENT.

ANNEXURE 6: TRUE COPY OF THE LEDGER SHOWING THE RETURN TICKET DETAILS OF FLY WELL TOURS AND TRAVELS.

ANNEXURE 7: TRUE COPY OF THE SUMMONS ISSUED FROM ADDITIONAL CHIEF JUDICIAL MAGISTRATE (ECONOMIC OFFENCES), ERNAKULAM IN C.C.NO.1128/2013.

ANNEXURE 8: TRUE PHOTOCOPY OF THE COMPLAINT DATED 03.05.2013 SUBMITTED BY THE 1ST RESPONDENT AS CRL.M.P. NO.1233/2013 UNDER SECTIONS 190 AND 200 OF THE CRIMINAL PROCEDURE CODE.

ANNEXURE 9: TRUE PHOTOCOPY OF THE DEPOSITION OF THE 1ST RESPONDENT IN ANNEXURE-1 PROTEST COMPLAINT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

B. KEMAL PASHA, J.

Crl. M.C. No. 4168 of 2015

Dated this the 4th day of September, 2015

ORDER

Initially a crime was registered as Crime No. 246/2013 of Ernakulam Town South Police Station alleging offences punishable under Section 420 IPC and Section 24 (f) (g) of the Emmigration Act, 1983.

2. After investigation, the police has chosen to refer the matter. On the acceptance of the refer report, the 1st respondent has filed a protest complaint before the court below. It seems that the cognizance have been taken by the court below on the protest complaint for the offences punishable under Section 420 IPC and Section 24 (f) (g) of the Emigration Act, 1983.

3. According to the petitioner who is the accused, the

proceedings are unnecessary and there is nothing to rope the petitioner with any other offences.

4. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

5. It is a warrant trial of a private complaint and it has a long way to go. The petitioner will get enough opportunities at several stages to ventilate his grievance, if any. It is too premature at this stage to say whether the offences are sustainable or not as against the petitioner.

With liberty to approach appropriate forums at proper stages, this Crl.M.C is closed.

Sd/-
B. KEMAL PASHA,
JUDGE