

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 4370 of 2015 ()

**CC.NO. 3743/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, THRISSUR
CRIME NO. 883/2014 OF MANNUTHY POLICE STATION, THRISSUR DISTRICT**

PETITIONER/ACCUSED NO.3 :

**RAJESH
S/O.KRISHNANKUTTY, AGED 35 YEARS
NARETHUPARAMBIL VEEDU
THOTTEKKAT LINE, POOMKUNNAM,
THRISSUR, PIN-680 002.**

BY ADV. SRI.V.C.MADHAVANKUTTY

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
MANNUTHY POLICE STATION, THRISSUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT. SANEERA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 4370 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1- TRUE COPY OF THE FIRST INFORMATION REPORT DATED
 07.06.2014.**

ANNEXURE A2- CERTIFIED COPY OF THE CHARGE FILED BY THE POLICE.

**ANNEXURE A3- TRUE COPY OF FORM 32 ISSUED BY REGISTRAR OF
 COMPANIES DATED 10.03.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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CRL. M.C. No. 4370 of 2015
.....

Dated this the 1st day of September, 2015

ORDER

The petitioner, who is the 3rd accused in C.C.No.3743 of 2014 of the Judicial First Class Magistrate's Court-III, Thrissur, has come up with the prayer to get all the proceedings against him in the case quashed.

2. It seems that the petitioner was one of the Directors of the chitty Company, which was proceeded against in this case. It is the case of the petitioner that he had resigned from the Company and further that even while he was continuing as a Director, he was not engaged in the day-to-day affairs of the Company. Presently, those matters cannot be dealt with by this Court on merits by invoking the powers conferred on this Court under Section 482 Cr.P.C. It

has to be examined as to what was the period during which the offences were allegedly committed by the Company. It was after a detailed investigation, the final report has been filed. As charges have not been framed by the court below, being a warrant trial, the petitioner has every opportunity to approach the court below under Section 239 Cr.P.C. The court below shall consider such request, if any forwarded, while dealing with the matter under Sections 239 and 340 Cr.P.C.

With the above observation, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge