

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4497 of 2015

**CC 984/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - V, KOZHIKODE
CRIME NO. 29/2010 OF FEROKE POLICE STATION, KOZHIKODE**
.....

PETITIONER(S)/ACCUSED:

**DR.C.VASSU,
S/O.MADHAVAN, "ANJANAPURI", NELLOORNADU,,
MANANTHAVADY, EDAVKA PANCHAYAT, WAYANAD DISTRICT,
PIN: 670 645.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/COMPLAINANT, STATE & DEFACTO COMPLAINANT:

- 1. THE SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, KOZHIKODE CITY,
KOZHIKODE DISTRICT, PIN: 673 012.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 3. THE MANAGER,
PUNJAB NATIONAL BANK, NADAKKAVU BRANCH,
KOZHIKODE - 673 011.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R3 BY ADV. SRI.SANTHEEP ANKARATH, SC**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- A1: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 3RD RESPONDENT
BEFORE THE 1ST RESPONDENT DATED 12/1/2010.**
- A2: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.29/2010 IN
CC 984/2013 ON THE FILES OF THE COURT OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT V, KOZHIKODE.**
- A3: TRUE COPY OF THE CHARGE SHEET SUBMITTED IN CC 984/2013 ON THE FILES
OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT V,
KOZHIKODE.**
- A4: TRUE COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO.29/2010 OF
FEROKE POLICE STATION.**
- A5: TRUE COPY OF THE STATEMENT OF SRI.SYED MOHAMMED SHAIK.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.4497 Of 2015

Dated this the 5th day of August, 2015.

ORDER

Sri.K.M.Sathyanatha Menon, and Smt.Kaveri S.Thampi, learned Advocates, appearing for the petitioner, submits that the petitioner intends to move appropriate application for discharge in this case before the competent criminal court concerned and that this Court may direct that such application seeking the remedy of discharge may be considered on merits by the court below after adverting to the contentions of the petitioner. Learned counsel for the petitioner points out that though cognizance in the case has been taken, the court below has not yet framed the charge in this case and that the stage for seeking the remedy has not yet been crossed.

2. The learned Public Prosecutor has no objection to this cause of action provided the stage for discharge has not yet been over.

Crl.M.C.No.4497 Of 2015

3. In the light of these submissions made on either side, it is ordered in the interest of justice that it will be open to the petitioner to move application seeking the remedy of discharge before the court below and the court below shall consider the same on merits without any further delay after granting opportunity to both sides. However, it is made clear that such consideration may be effected by the court below only if the stage for consideration of the plea of discharge is not yet over.

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

ALEXANDER THOMAS,
Judge.

bkn/-