

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4608 of 2015 ()

**SC 476/2013 of SESSIONS COURT, TRIVANDRUM
CMP 638/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL**

PETITIONERS/ACCUSED 4,5 & 10 :

- 1. KRISHNA PILLAI, AGED 74 YEARS,
S/O. PARAMESWARAN PILLAI, MEPPURAMVILA VEEDU,
PATTUVILAKOM, KAZHAKKUTTAM, THIRUVANANTHAPURAM.**
- 2. JAYASREE ANILKUKMAR, AGED 46 YEARS,
MEPPURAMVILA VEEDU, PATTUVILAKOM, KAZHAKKUTTAM,
THIRUVANANTHAPURAM.**
- 3. MOHANAN, AGED 50 YEARS,
H/O. PREETHA, MEPPURAMVILA VEEDU, PATTUVILAKOM,
KAZHAKKUTTAM, THIRUVANANTHAPURAM.**

**BY ADVS. SRI.K.K.VIJAYAN
SMT.MINI GANGADHARAN**

RESPONDENTS/COMPLAINANT & STATE :

- 1. THE STATE OF KERALA
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. K.C.HARIHARAN, AGED 66 YEARS,
S/O. CHELLAPPAN, USHUS HOUSE, KIZHAKKUMBHAGOM WARD,
KAZHAKKUTTAM, THIRUVANANTHAPURAM.**

R1 BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** THE TRUE CERTIFIED COPY OF C.M.P. NO. 638/2010 OF THE J.F.C.M.- 2 ATTINGAL FILED BY THE 2ND RESPONDENT.
- ANNEXURE A2:** TRUE CERTIFIED COPY OF DEPOSITION MADE BY THE COMPLAINANT/R2.
- ANNEXURE A3:** TRUE CERTIFIED COPY OF DEPOSITION MADE BY THE WITNESS.
- ANNEXURE A4:** TRUE CERTIFIED COPY OF ORDER OF THE SESSIONS COURT, THIRUVANANTHAPURAM IN S.C.NO. 476/2013 DATED 16-12-2014 SPLITTING UP THE CASE AGAINST A3.
- ANNEXURE A5:** TRUE PHOTOCOPY OF THE PASSPORT FOR THE 1ST ACCUSED CONTAINING ENDORSEMENT THAT 1ST ACCUSED DEPARTED FROM TRIVANDRUM ON 17-09-2009 AND RETURNED BACK TO TRIVANDRUM ON 8-01-2010.
- ANNEXURE A6:** THE TRUE PHOTOSTAT COPY OF PETITION FOR DISCHARGE FILED BY THE ACCUSED PERSONS/A4,A7 AND A10/THE PETITIONERS HEREIN ALONG WITH SOME OTHER ACCUSED IN THE CASE AS CRL.MP. NO. 111/2015 BEFORE THE SESSIONS COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4608 of 2015

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Dated this the 4th day of August, 2015

ORDER

The prayer in this Crl.M.C. is as follows:

“To issue an appropriate Order or direction quashing the Annexure:A1 Complaint, C.M.P.No:638/2010 of the file of the J.F.M.C.-2, Attingal, which is the basic of S.C.No.476/2013 on the file of the Sessions Court, Thiruvananthapuram.”

2. During the course of the submission, the learned counsel for the petitioners submitted that Anx.A-6 discharge application as per Crl.M.P.No.111/2015 in S.C.No.476/2013 is pending consideration of the Sessions Court, Thiruvananthapuram and that no orders have been passed on the same. The learned counsel for the petitioners has further submitted that this Court may pass appropriate orders for consideration and speedy disposal of Anx.A-6 discharge application without further delay and that this shall be without prejudice to the contentions of the petitioners raised in this case and that they may be given liberty to make appropriate challenge at the appropriate stage.

3. In view of the submission made by the petitioners, a

report from the Sessions Court, Thiruvananthapuram was called for through the Registry and a report to that effect has been given on 30.7.2015, wherein it is inter alia stated that the Public Prosecutor has not filed counter to the petition and time at least upto 15.10.2015 is required for disposal of the application in question.

4. Having heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala, this Court is of the considered opinion that such longer time to the P.P. to get the counter filed is not necessary or called for in the facts of this case. The P.P. will ensure that counter to Anx.A-6 discharge application is filed within ten days from the date of receipt of a copy of this order. Thereafter, the court below will take up Anx.A-6 discharge application for consideration and disposal without any further delay and after hearing both sides and advertent to the rival contentions, the court below shall pass considered order on Anx.A-6 Crl.M.P.No.111/2015 as expeditiously as possible, within an outer time limit of one month from the date of production of a certified copy of this order. It is made clear that disposal of this petition will be with liberty to the petitioners to seek appropriate remedies in respect of their subsisting grievances at the appropriate

stage in appropriate proceedings.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge