

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Cr1.MC.No. 4699 of 2015 ()

PETITIONER(S) / PETITIONER:

SHUKKUR.M.K., AGED 42 YEARS,
S/O.MUHAMMED, A.P.JUMA MASJID QUARTERS, KANTHILOTT,
PADNE VILLAGE AND POST, HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S) / RESPONDENT & STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.

2. NASEEMA U.M.,
AGED 32 YEARS, W/O.SHUKKUR M.K., PANDIYALA VALAPPU,
PADNE KADAPPURAM P.O, HOSDURG TALUK - 671 121.

BY PUBLIC PROSECUTOR SRI. REJI JOSEPH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

:2:

Cr1.MC.No. 4699 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS:

ANNX.A1 - A TRUE COPY OF THE PETITION FILED BY THE 2ND RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-I, HOSDURG AS
M.C.NO.68 OF 2013.

ANNX.AII - A TRUE COPY OF THE AFFIDAVIT TO SET ASIDE EXPARTE ORDER.

ANNX.AIII - A TRUE COPY OF THE AFFIDAVIT AND PETITION TO CONDONE THE
DELAY.

ANNX.AIV - A TRUE COPY OF THE ORDER DATED 14.07.2015 IN CMP NO.6102 OF
2015 IN M.C.NO.68 OF 2013 OF JUDICIAL FIRST CLASS
MAGISTRATE-I, HOSDURG.

RESPONDENT(S) ' EXHIBITS:

//True Copy//

P.A. to Judge

SS

K. RAMAKRISHNAN, J.

Crl. M.C.No.4699 of 2015

Dated this the 1st day of December, 2015

ORDER

When it is pointed out that the impugned order is an appealable order under Section 29 of the Protection of Women from Domestic Violence Act, the counsel for the petitioner sought time to withdraw this petition with liberty to file appeal before appropriate forum. Permission is granted and the petition is dismissed as withdrawn with the above liberty.

Interim order granted is vacated. The appellate court is at liberty to consider whether the pendency of this petition can be considered under Section 14 of Limitation Act for condoning the delay in filing the appeal.

The amount of deposit made by the petitioner as directed by this court can be considered by that court while considering the matter on merit.

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge