

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Cri.MC.No. 4705 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CRRP 13/2014 of D.C.& SESSIONS COURT,
PATHANAMTHITTA

PETITIONER(S)/PETITIONER:

NABEESA BEEVI
PLAMTHOTTATHIL HOUSE, VAIPOOR P.O.,
KOTTANGAL VILLAGE
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.UMASANKAR

RESPONDENT(S)/RESPONDENTS:

1. RADHAKRISHNA PANICKER
PLAMTHOTTATHIL HOUSE, CHERUTHOTTUVAZHI MURI
VAIPOOR P.O., KOTTANGAL VILLAGE
PATHANAMTHITTA DISTRICT-689588.

2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.V.PHILIP MATHEW
R2 BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4705 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A- CERTIFIED COPY OF THE ORDER OF THE SUB DIVISIONAL
MAGISTRATE, THIRUVALLA DATED 5-11-2014.

ANNEXURE B- CERTIFIED COPY OF THE ORDER OF THE SESSIONS JUDGE,
PATHANAMTHITTA DATED 9-6-2015.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.4705 of 2015 B
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Dated this the 13th day of October, 2015

ORDER

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Annexure-B order passed by the learned Sessions Judge, Pathanamthitta in Criminal Revision Petition No.13/2014 is under challenge. The revision originated from Annexure-A order dated 05.11.2014 passed by the learned Sub Divisional Magistrate, Thiruvalla under Section 136 Cr.P.C. The proceedings were initiated before the learned Sub Divisional Magistrate under Section 133 Cr.P.C.

2. It seems that certain miscellaneous trees are growing just adjacent to the house of the petitioner herein. She had complained of it. Even though she was clamouring for getting those nuisance and danger removed, her cries fell in the deaf ears. The 1<sup>st</sup> respondent was not ready to

cut and remove those trees. Consequently, proceedings were initiated under Section 133 Cr.P.C.

3. The learned Sub Divisional Magistrate, and after that, the revisional court, have identified the trees which are to be cut and removed. It has been ordered by the learned Sessions Judge to cut and remove one '*Therakam*' tree and '*Anjili*' tree having a girth of 80 c.m. situated near the boundary separating both the properties.

4. On going through Annexure-A order passed by the learned Sub Divisional Magistrate and Annexure-B order passed by the learned Sessions Judge, I do not find anything to interfere with the said orders. This CrI.M.C. is devoid of merits and is only to be dismissed, and I do so.

In the result, this CrI.M.C. is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/13/10

*// True Copy //*

*PA to Judge*