

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Crl.MC.No. 4756 of 2015 ()

ST.NO. 543/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - III, ALUVA

PETITIONER/ACCUSED:

**ABOOBACKAR SIDDIQUE,
S/O.MOHAMMED, AGED 54 YEARS,
NADUVILAPARAMBIL HOUSE, MANNAM P.O.,
NORTH PARAVUR, ERNAKULAM - 683 520.**

**BY ADVS.SRI.N.SASI
SMT.T.M.BINITHA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANTO K.P., S/O.K.G.PAPPACHAN, AGED 47 YEARS,
KUDIYIRIPPIL HOUSE, MATTOR, KALADY,
MANAGING PARTNER, REPRESENTING YEOMAN BONE AND ALLIED
PRODUCTS AND YEOMAN FOOD PRODUCTS,
EDAYAR, BINANIPURAM P.O. - 683 540.**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 4756 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A1: CERTIFIED COPY OF THE COMPLAINT FILED BY THE PETITIONER
DATED 19.4.2011**

**ANNEX-A2: TRUE COPY OF THE STATEMENT OF ACCOUNTS ISSUED BY ICICI
BANK IN ACCOUNT NO.028905000189.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.4756 of 2015
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Dated this the 4th day of September, 2015

ORDER

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Petitioner is the accused in ST No.543/2013 of the Judicial First Class Magistrate's Court-III, Aluva. The 2nd respondent herein is the complainant in the case. According to the petitioner, the cheque in question was not one issued in discharge of any legally enforceable debt or liability and in fact, the complainant has misused a cheque leaf obtained fraudulently, solely in order to file the complaint. It is the case of the petitioner that all the other cheque leaves in the concerned cheque book, of which the cheque in this case was also a part of, were issued in the year 2005 and, therefore, the case of the complainant that the said cheque was issued on 01.02.2011 cannot be believed.

2. These are matters which have to be dealt with by

the court below while considering the evidence in the matter. The petitioner has got an ample opportunity to challenge the evidence of the complainant and can confront the complainant with these matters.

With the said observations, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/09

// True Copy //

PA to Judge