

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B. KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 4765 of 2015 ()

**CRL.MP. 6613/2014 AND 7992/2014 IN CC 1393/2013 of JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, CHERTHALA**

PETITIONER/ACCUSED :

**SYAMLAL, AGED 24 YEARS,
S/O. RADHAKRISHNAN, PUTHUVALNIKARTHIL, WARD 6,
THYKKATTUSSERY PANCHAYATH, CHERTHALA,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENTS/DEFACTO COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031.**

**2. SUB INSPECTOR OF POLICE
PATTANAKKAD POLICE STATION, CHERTHALA,
ALAPPUZHA DISTRICT.**

**BY SRI.TOM JOSE PADINJAREKKARA, ADDL DGP
BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1 :** CERTIFIED COPY OF THE COMMON ORDER IN CRL.M.P.6613/2014 AND 7992/2014 IN CC 1393/2013 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATES COURT-I, CHERTHALA, DATED 5-3-2015.
- ANNEXURE A2 :** CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.596/2013 OF THE PATTANAKKAD POLICE STATION.
- ANNEXURE A3 :** CERTIFIED COPY OF SEIZURE MAHSR IN CRIME NO.596/2013 OF THE PATTANAKKAD POLICE STATION.
- ANNEXURE A4 :** CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 596/2013 OF PATTANAKKAD POLICE STATION.
- ANNEXURE A5 :** CERTIFIED COPY OF CRL.M.P.NO. 6613/2014 IN CC 1393/2013 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHERTHALA.
- ANNEXURE A6 :** CERTIFIED COPY OF CRL.M.P. 7992/2014 IN CC 1393/2013 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHERTHALA.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

Crl. M.C. No. 4765 of 2015

Dated this the 3rd day of September, 2015

ORDER

What is under challenge is Annexure-A1 order passed by the court below whereby the charge has been altered.

2. Heard the learned counsel for the petitioner and the learned public prosecutor.

3. On going through Annexure-A1, I do not find any illegality, irregularity, impropriety or jurisdictional error committed by the court below. The Court below is fully empowered to pass such an order under Section 216(1) Cr.P.C. What has been done by the Court below seems to be perfectly correct. No prejudice has been caused to the

petitioner in altering the charge. The petitioner has sufficient opportunity to challenge the prosecution case during trial.

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

Sd/-
B. KEMAL PASHA,
JUDGE

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