

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Crl.MC.No. 3656 of 2012 ()

**CMP.NO. 3505/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PONNANI
CRIME NO. 1003/2012 OF PONNANI POLICE STATION , MALAPPURAM DISTRICT**

PETITIONER/DEFACTO COMPLAINANT :

**C.BADARUDEEN,S/O.IBRAHIM,
CHEEMAMAJARIYAKATH VEEDU,
CHANTHAPADI, PONNANI.**

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S):

- 1. ABDUL SALAM, S/O.MOOSA, AGED 42 YEARS,
CHERUTHOTTUMPURATH HOUSE, MUKKADI P.O.,
PONNANI -679 583**
- 2. SUB INSPECTOR OF POLICE, PONNANI-679 577**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. NIDHI BALACHANDRAN
R2 & R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

CRMC.NO.3656/2012

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A** **COPY OF THE WOUND CERTIFICATE IN HOSPITAL NUMBER 2244653, ISSUED TO THE PETITIONER.**
- ANNEX B** **CERTIFIED COPY OF THE ORDER IN C.M.P.NO.3505/12 DATED 18/10/12 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI**
- ANNEX C** **COPY OF THE COMPLAINT SUBMITTED BY MOHAMMED ARSHAD ON 19/11/12 BEFORE THE CIRCLE INSPECTOR OF POLICE, PONNANI.**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No. 3656 of 2012
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Dated this the 15th day of October, 2015

ORDER

The petitioner is the accused in Crime No.1003/12 of the Ponnani Police Station, registered for the offence punishable under Section 308 IPC.

2. The allegation against the petitioner is that he had stabbed the defacto complainant with scissors aimed at his chest and when it was obstructed by the defacto complainant, the defacto complainant sustained an injury on his hand. A counter case was also registered as Crime No.1004/2012 in the matter. The petitioner was enlarged on bail by the court below on 18.10.2012.

3. The petitioner, who is the defacto complainant in

Crime No.1003/12, has come up with the request for getting Annexure-B order set aside. It was through Annexure-B order, the first respondent was enlarged on bail. In Annexure-B order a condition has been imposed to the effect that the accused shall not influence or intimidate the witness. The present allegation is that the first respondent has intimidated one Mohammed Arshad and the said person who was intimidated, has filed Annexure-C complaint before the Circle Inspector of Police, Ponnani.

4. The learned counsel for the first respondent has pointed out that the said Arshad has not been cited as a charge witness in the case and therefore, even if the contentions in Annexure-C is admitted, it will not be a violation of the condition imposed in Annexure-B order. On going through the matter, this Court is satisfied that there is absolutely nothing to interfere with Annexure-B at present. Much waters have flown under the bridge, and no such alleged circumstances are prevailing at present. Matters

being so, this Crl.M.C. is devoid of merits, and is only to be dismissed, and I do so.

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

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge