

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Cr1.MC.No. 5342 of 2015 ()

CC 137/2012 of CHIEF JUDICIAL MAGISTRATE'S COURT, ERNAKULAM
CRIME NO. 1570/2011 OF KADAVANTHRA POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 2:-:

AJAY JEROME, AGED 35 YEARS,
S/O.C.R.JEROME, CHEENIPARAMBIL HOUSE, PADIVATTOM KARA,
EDAPALLY SOUTH, EDAPPALLY P.O., ERNAKULAM.

BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH

RESPONDENTS/COMPLAINANT:-:

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

2. SUB INSPECTOR OF POLICE,
KADAVANTHRA POLICE STATION, ERNAKULAM-682 019.

BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/10/9/15

Cr1.MC.No. 5342 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1. COPY OF THE FIRST INFORMATION REPORT 1570/2011
DATED 07.10.2011.

ANNEXURE A2. COPY OF THE CHARGE SHEET DATED 06.03.2012 IN CC
137/2012.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/10/9/15

B.KEMAL PASHA, J.

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CRL.M.C. No.5342 of 2015

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Dated this the 8th day of September, 2015

ORDER

The 2nd accused in C.C.No.137 of 2012 of the Chief Judicial Magistrate's Court, Ernakulam, which has arisen from Crime No.1570 of 2011 of the Kadavanthra Police Station, for the offences under Sections 406 and 417 IPC read with Section 34 IPC, has come up with a prayer to get the proceedings against him in the case, quashed.

2. On going through the matter, this Court is of the view that it is too premature to say anything with regard to the involvement of the accused in the case, at present. While dealing with the matter under Section 482 Cr.P.C., this Court cannot go into the intrinsic particulars of the evidence collected by the investigating officer or the truth or otherwise of the statements of the witnesses. In case, charges are not framed, it is for the petitioner to approach the court below with

an application under Section 239 Cr.P.C. In such case, the court below shall consider the matter and pass appropriate orders on merits, in accordance with law.

With the said liberty to the petitioner, this Crl.M.C. is closed.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/8/9/15