

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Crl.MC.No. 5360 of 2015 ()

CC.NO. 1387/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
WADAKANCHERY
CRIME NO. 800/2011 OF VADAKKANCHERY POLICE STATION , THRISSUR DISTRICT

PETITIONER/ACCUSED :

RAMACHANDRAN @ APPU, AGED 41 YEARS,
S/O.SHANKARANKUTTY, THRIKOVIL WARIYAM,
WADAKANCHERY, TRICHUR -680 623,
WADAKKANCHERY.P.O.

BY ADVS.SRI.VINAY RAMDAS
SRI.VISHNUPRASAD NAIR

RESPONDENT(S)/STATE AND DE-FACTO COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
WADAKANCHERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
 2. AJITHKUMAR MALLAYYA,
PROPRIETOR MALLAYYA MINI BANKERS, KML NO.1655,
OTTUPARA, WADAKANCHERY, TRICHUR-
WADAKANCHERY.P.O.-680 623

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 5360 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX.A1 - THE COPY OF THE FINAL REPORT.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.5360 of 2015
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Dated this the 31st day of August, 2015

ORDER

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The request is to get all the proceedings in C.C.1387/2012 of the Judicial First Class Magistrate's Court, Wadakanchery in Crime No.800/2011 of the Wadakanchery Police Station, quashed. The petitioner is the 2<sup>nd</sup> accused. The allegation against the petitioner is that he along with the other accused had pledged imitation gold ornaments thereby committing cheating. It seems that there are allegations against the petitioner that through various transactions of similar nature, huge amounts were amassed from various banks and financial institutions.

2. According to the learned counsel for the petitioner, there is no evidence to show that the imitation gold allegedly pledged is imitation gold as there is no assay report. Further, according to the petitioner, even the

recovered items were not subjected to expert examination and, therefore, there is no evidence to show that those items are spurious gold.

3. Charges have not been framed so far. It is a warrant trial based on a police report. In such case, the petitioner can seek the remedy available under Sections 239 and 240 Cr.P.C. On such an application, the court below shall consider the same and pass appropriate orders in accordance with law.

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

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

aks/31/08

*// True Copy //*

*PA to Judge*