

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 4172 of 2014

S.T.NO.566/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA

PETITIONER(S)/ACCUSED :

**C.S.GEORGE, AGED 46 YEARS,
S/O.SEBASTIAN,CHOKKAMTHAYYIL(H),
MARARIKULAM NORTH.P.O.,
ALAPPUZHA DISTRICT, PIN-688 549.**

**BY ADVS.SRI.K.C.ELDHO
SRI.JIJO THOMAS
SRI.SURAJ.S**

RESPONDENT(S)/COMPLAINANT AND STATE :

**1. RAJAN, AGED 54 YEARS,
S/O.BHASKAPANIKKAR, MARARIKKULAM SOUTH, THOPPIL HOUSE,
KALAVOOR.P.O, KALAVOOR VILLAGE, PIN-688 522,
AMBALAPPUZHA TALUK, ALAPPUZHA.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031.**

**R1 BY ADV. SRI.K.B.RAMANAND
R2 BY PUBLIC PROSECUTOR SRI.R.GITHESH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1: A TRUE COPY OF THE DEPOSITION OF THE PW1 IN
S.T.NO.566/2012 ON THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, CHERTHALA.**
- ANNEXURE-A2: A TRUE COPY OF THE DEPOSITION OF THE DW1 IN
S.T.NO.566/2012 ON THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II,CHERTHALA.**
- ANNEXURE-A3: THE CERTIFIED COPY OF THE PROCEEDINGS OF
THE CASE INCLUDING THE ORDER DATED 07.06.2014 IN
S.T NO.566/2012 ON THE FILE FO THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II,CHERTHALA.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

Crl.M.C.No.4172 Of 2014

Dated this the 8th day of July, 2015.

ORDER

The prayer in this Crl.M.C is as follows:

“..... to quash the order of 'de novo' trial dated 07-06-2014 in S.T.No.566 of 2015 on the file of the Judicial First Class Magistrate Court-II at Cherthala forming part of Annexure 3 and direct the Judicial First Class Magistrate Court-II at Cherthala to continue with the proceedings.”

2. Heard Sri.K.C.Eldho learned counsel for the petitioner and Sri.K.B.Ramanand, learned counsel for the contesting 1st respondent.

3. Sri.K.B.Ramanand, learned counsel for the contesting 1st respondent fairly submitted that the 1st respondent has no objection whatsoever in granting the aforesaid prayer in this Crl.M.C. In tune with the submission made on behalf of the contesting 1st respondent, it is ordered in the interest of justice that the impugned order of denovo trial rendered on 7.6.2014 in S.T.No.566/2012 on the file of the Judicial First Class Magistrate Court-II, Cherthala which form part of Anx-A3 will stand quashed and accordingly

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Crl.M.C.No.4172 Of 2014

there will be a further direction that the learned Judicial First Class Magistrate Court-II, Cherthala to continue with the proceedings from where it was earlier stopped.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-