

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. 5384 of 2015

C.M.P.NO.5711/2013 IN CC.NO.237/2014 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, THAMARASSERY.
CRL.RP.NO.26/2014 OF FIRST ADDITIONAL SESSIONS COURT, KOZHIKODE.
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PETITIONER/COMPLAINANT/REVISION PETITIONER:

E.P.RAVEENDRAN, AGED 49 YEARS,
S/O.CHATHUNNI, SUB ENGINEER,
KERALA STATE ELECTRICITY BOARD,
KAYAKKUNNU PARAMBATH HOUSE,
NEDIYANAD AMSOM AND DESOM,
NARIKKUNI P.O, KOZHIKODE DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT(S)/ACCUSED 1 TO 5/RESPONDENTS 1 TO 5 & STATE:

1. ABDUL SALAM V.P, AGED 59,
S/O.ABOOBACER, VATTAPARAKKAL HOUSE,
NEDIYANAD AMSOM AND DESOM, NARIKKUNI P.O,
KOZHIKODE DISTRICT, PIN - 673585.
2. SHEREEF V P, AGED 42,
S/O.ABOOBACKER, VATTAPARAKKAL HOUSE,
NEDIYANAD AMSOM AND DESOM, NARIKKUNI P.O,
KOZHIKODE DISTRICT, PIN - 673585.
3. P.P MUHAMMED ISMAIL, AGED 40,
S/O.USSAIN, VATTAPRAKKAL HOUSE,
NEDIYANAD AMSOM AND DESOM, NARIKKUNI P.O,
KOZHIKODE DISTRICT, PIN - 673585.
4. USSAIN, AGED 65, S/O.AYAMMAD,
POOLAPPYIL HOUSE, VATTAPARAKKAL,
NARIKKUNI P.O, KOZHIKODE DISTRICT, PIN - 673585.

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5. **POCKER, AGED 70, S/O.AYAMMAD, VEYATTUMMAL HOUSE,
NEDIYANAD AMSOM AND DESOM, NARIKKUNI P.O,
KOZHIKODE DISTRICT, PIN - 673585.**
6. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682031.**

R6 BY PUBLIC PROSECUTOR SMT.SAREENA

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE I:-** TRUE COPY OF THE COMPLAINT DATED 19/9/2013.
- ANNEXURE II:-** CERTIFIED COPY OF THE ORDER PASSED BY THE JUDICIAL
FIRST CLASS MAGISTRATE COURT I, THAMARASSERY IN
CMP NO 5711/2013 DATED 14/3/2014.
- ANNEXURE III:-** CERTIFIED COPY OF THE ORDER PASSED BY THE FIRST
ADDITIONAL SESSIONS COURT, KOZHIKODE
CRL.RP NO 26/2014 DATED 5/6/2015.

RESPONDENT(S)' ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

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Crl.M.C. No.5384 of 2015
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Dated this the 31st day of August, 2015

ORDER

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Heard learned counsel for the petitioner and learned Public Prosecutor.

2. The present complaint is that even though a private complaint was filed by the petitioner as against accused Nos.1 to 7 alleging an offence punishable under Section 500 IPC, the court below has taken cognizance of the offence as against accused Nos.6 and 7 only through Annexure-II order. Dissatisfied with the order, the petitioner has approached the Sessions Court through Crl.R.P. No.26/2014. The learned Sessions Judge has considered the matter and passed Annexure-III order, whereby the revision petition was dismissed.

3. According to the learned counsel for the petitioner, an allegation was levelled against the petitioner

by all the accused persons that he has prevented the public from drawing water from a well and he has dug a portion of the well as such, thereby creating public nuisance. According to the petitioner, he was categorised as an antisocial element by the accused.

4. On hearing the learned counsel for the petitioner and on going through the records and the impugned order passed by the revisional court, I do not find anything to interfere with Annexure-III order passed by the revisional court. The allegations do not constitute an offence of deformation as against any of the other accused against whom cognizance was not taken by the court below. Matters being so, this CrI.M.C. is dismissed.

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

aks/31/08

*// True Copy //*

*PA to Judge*