

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.Rev.Pet.No. 879 of 2006 (D)

AGAINST THE ORDER IN CMP 4952/2005 of J.M.F.C.,ERATTUPETTA DATED 30-11-2005

REVISION PETITIONER/COMPLAINANT.:

T.T.MATHEW, S/O.THOMAS, THATTAMPARAMBIL
HOUSE, KONDOOR.

BY ADV. SRI.GEORGE MATHEW

RESPONDENT(S)/ACCUSED AND STATE.:

1. K.D.SEBASTIAN, S/O.DEVASSIA,
KUTITYANICKAL HOUSE, KONDOOR, THIDANADU.

2. SUNNY SEBASTIAN, S/O.SEBASTIAN,
KUTTIYANNICKAL HOUSE, KONDOOR, THIDANADU.

3. JOHNKUTTY, KIDANGATHAZHA HOUSE,
POONJAR P.O. MUTTOM BHAGOM.

4. STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, THIDANADU, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PP SMT SAREENA GEORGE

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.D.RAJAN, J

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Crl.R.P.No.879 of 2006
.....

Dated 6th August, 2015

ORDER

This revision petition is preferred against the order in CMP 4952 of 2005 of the Judicial First Class Magistrate, Erattupetta which was filed on the basis of an order in Crime No.24 of 2005 of Thidanadu police station. Revision petitioner filed a complaint before Judicial First Class Magistrate, Erattupetta alleging offences punishable under Section 447, 427 read with 34 IPC. The allegation is that on 10.4.2005 at 2 PM, respondents 1 to 3 trespassed into the property of the revision petitioner and destroyed six rubber trees with a JCB. The complaint filed before Judicial First Class Magistrate, Erattupetta was forwarded to the Melukavu Police Station under Section 156(3) Cr.P.C, where they registered Crime No.24 of 2005 and investigated the matter. Finally, they submitted a refer report on the ground that the matter arises out of a civil dispute. Since the matter is of civil nature, they reported the matter to the Judicial First Class Magistrate court and on 30.11.2005 lower court dismissed the complaint under section 203 Cr.P.C. After filing this revision petition, no documents were produced to show that prima facie case is

made out against the respondent. This court directed the revision petitioner to take steps against respondents 1 to 3. Even after specific direction, no steps are taken. In the circumstance, in the absence of any material to take cognizance of the offence, I am of the view that petitioner is not interested in prosecuting the matter. Accordingly, this CrI.R.P is dismissed for non prosecution.

P.D.RAJAN, JUDGE

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