

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Crl.MC.No. 4531 of 2014 ()

**CMP 3541/2014 IN CC 1057/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
VARKALA
CRIME NO. 627/2010 OF KADAKKAVOOR POLICE STATION, THIRUVANANDAPURAM**

PETITIONER/ACCUSED :

**THANKACHY
D/O.PAACHY EDAKKODE, MELATTINGAL DESOM,
KEEZHATTINGAL, TRIVANDRUM**

BY ADV. SRI.M.R.SARIN

RESPONDENTS/STATE/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY REPRESENTED
THROUGH THE PUBLICPROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE SUB INSPECTOR OF POLICE,
KADAKKAVOOR POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: THE TRUE COPY OF THE PETITION FILED BY PETITIONER AS
CMP NO 3541/14 IN CC NO 1057/10 ON THE FILE JUDICIAL
FIRST CLASS MAGISTRATE COURT-1,VARKALA.**

**ANNEXURE A2: THE TRUE COPY OF THE ORDER IN CMP NO 3541/14 IN
CC 1057/10 ON THE FILE JUDICIAL FIRST CLASS MAGISTRATE
COURT-1,VARKALA**

**ANNEXURE A3: COPY OF THE ORDER SHEET IN 1057/2014 OF JFCM I,
VARKALA**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Crl.M.C. No.4531 of 2014

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Dated this the 28th day of January, 2015

O R D E R

Heard.

2. It seems that the application seeking adjournment filed by the learned counsel for the petitioner for the cross examination of CWs.1 to 3 was not entertained by the court below and the said application was dismissed. The evidence is now closed by examining all the other witnesses. All the other witnesses were cross-examined by the learned counsel for the petitioner.

3. It is the case of the petitioner that the learned counsel for the petitioner was engaged in District Court, Thiruvananthapuram in another case on that day and therefore he could not appear before the court below.

4. On hearing the learned counsel for the petitioner, I am of the view that one more opportunity can be given to the petitioner to subject PWs.1 to 3 for cross-examination. If the request is not granted, failure of justice would be

occasioned. Matters being so, this Crl.M.C is liable to be allowed.

In the result, this Crl.M.C is allowed and the court below is directed to grant one more opportunity to the petitioner to subject PWs.1 to 3 for cross-examination. The petitioner shall pay an amount of ₹250/- each to the said witnesses by way of cost on such date of examination. It has been pointed out that the next posting date of the case is 10.02.2015. The court below shall pass necessary orders to that effect on that day itself.

Sd/-
B.KEMAL PASHA, JUDGE

stu

//True copy//

P.A to Judge