

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 4758 of 2013

**C.M.P.NO.6319/2013 IN C.C.NO.583/2008 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, ATTINGAL**

PETITIONER(S)/PETITIONER/ACCUSED :

**MUHAMMED ARSHAD (FORMERLY KNOWN AS T.RAJENDRA PRASAD),
S/O.THANKAPPAN PILLAI, AABIL MANZIL,
CHERIYAVELINALLOOR, VATTAPPARA, KOLLAM DISTRICT.**

**BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR**

RESPONDENT(S)/STATE & COMPLAINANT :

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 31.**

**2. K.SASIDHARAN,
GIRIJA BHAVAN, PAYKKAVILA, VENJARAMOODU,
THIRUVANANTHAPURAM- 695 607.**

*** 3. R.DIVAKARA KURUP,
S/O.RAGHAVAN PILLAI, KOTTAIKONATHU VEEDU, MAMOODU,
VENJARAMOODU, THIRUVANANTHAPURAM, PIN-695 607.(DELETED)**

*** ADDITIONAL R4 IMPEADED**

**4. PAVANAN.D, S/O.DIVAKARAKRUP,
KOTTAIKONATHU VEEDU, MAMOODU, VENJARAMOODU,
THIRUVANANTHAPURAM- 695 607.**

*** R3 DELETED, ADDITIONAL R4 IS IMPEADED AS BEING THE SON OF
3RD RESPONDENT WHO IS NO MORE, AS PER ORDER DATED 31.01.2014 IN
CRL.M.A.NO.10071 OF 2013 IN CRL.M.C.NO.4758 OF 2013.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & ADDL.R4 BY ADV. SRI.J.JAYAKUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** COPY OF THE COMPLAINT IN CC NO.583 OF 2008 ON THE FILE OF THE JUDICIAL 1ST CLASS MAGISTRATE COURT 1, ATTINGAL.
- ANNEXURE B:** COPY OF THE COMPLAINT IN CC NO.1235/2007 ON THE FILE OF THE JUDICIAL 1ST CLASS MAGISTRATE COURT 1, ATTINGAL.
- ANNEXURE C:** COPY OF THE PETITION ALONG WITH AFFIDAVIT FILED BY THE PETITIONER BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE COURT-1, ATTINGAL.
- ANNEXURE D:** COPY OF THE ORDER DATED 29.08.2013 IN CMP NO.6319/2013 IN CC NO.583/08 OF THE JUDICIAL 1ST CLASS MAGISTRATE-1, ATTINGAL.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 4758 of 2013

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Dated this the 18th day of September, 2015

ORDER

Annexure D order dated 29.08.2013 in CMP No.6319/2013 in C.C.No.583/2008 is under challenge.

2. The 2nd respondent herein filed a private complaint alleging an offence under Section 138 of the Negotiable Instruments Act against the present petitioner. The cheque amount is ₹5 lakhs. As against the petitioner, another complaint was pending, which was filed by the 3rd respondent, alleging an offence under Section 138 of the N.I.Act. Through CMP No.6319/2013, the petitioner has sought for a joint trial of C.C.No.583/2008 filed by the 2nd respondent herein with C.C.No.1235/2007 filed by the 3rd respondent herein. The court below, after hearing both sides, has rightly dismissed the petition.

3. There is absolutely nothing to interfere with Annexure D order passed by the court below in the matter. Unnecessarily, two cases filed in the year 2007 as well as 2008 are being dragged on.

This Crl.M.C is devoid of merits and dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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