

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 5822 of 2015

**C.C.NO.2028/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT ,
KOTHAMANGALAM**

CRIME NO. 369/2011 OF OONNUKAL POLICE STATION , ERNAKULAM

PETITIONER(S)/3RD ACCUSED :

**SHAJI JOSEPH, AGED 50 YEARS,
S/O.JOSEPH, PADANILAM HOUSE,
VADAYAMBADI, AIKARARANAD SOUTH VILLAGE,
KUNNATHUNAD THALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.C.A.NAVAS

RESPONDENT(S)/COMPLAINANT :

- 1. THE SUB INSPECTOR OF POLICE,
OONNUKAL, ERNAKULAM DISTRICT- 683 510.**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT- 682 031.**
- 3. RASHEED, AGED 47 YEARS,
S/O.MAKKAR, PARAMBIL HOUSE,
NERIAMANGALAM KARA, NERIAMANGALAM VILLAGE,
ERNAKULAM DISTRICT- 683 501.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.SEREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNX.A1: THE CERTIFIED COPY OF F.I.R AND FJ STATEMENT IN
CRIME NO.369/2013 OF OONNUKAL POLICE ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT
KOTHAMANGALAM.**

**ANNX.A2: THE CERTIFIED COPY OF FINAL REPORT IN C.C.NO.2028/2014
(CRIME NO.369/2013 OF OONNUKAL POLICE) ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOTHAMANGALAM.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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CRL.M.C. No.5822 of 2015

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Dated this the 29th day of September, 2015

ORDER

The petitioner is the 3rd accused in C.C.No.2028 of 2014 of the Judicial First Class Magistrate's Court, Kothamangalam, which has arisen from Crime No.369 of 2011 of Oonnukal Police Station, for the offences punishable under Sections 406 and 420 IPC read with Section 34 IPC.

2. According to the petitioner, he is in no way connected with the incident involved in the case and he has not accepted any amount. At the same time, there is specific allegation in the Final Report that an agreement was executed between the parties, in which the petitioner, who is the 3rd accused, is also one of the parties. It is the matter that

has to be proved. The present stage is too premature to consider whether the petitioner has not actually involved in the incident or not. At the stage of Section 239 Cr.P.C. that the petitioner can file a petition before the court below and in such a case, the court below shall consider the said question and pass appropriate orders.

With the said liberty to the petitioner, this Crl.M.C. is closed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/29/9/15

// True Copy //

P.A. To Judge