

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Crl.MC.No. 5881 of 2015

**CMP 5700/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,NEDUMANGAD.
CRIME NO. 406/2015 OF NEDUMANGAD POLICE STATION, THIRUVANANTHAPURAM.**
.....

PETITIONER/2ND ACCUSED:

**LEENA ANTO, W/O.ANTO THOMAS,
CHIRAYATH HOUSE, HOSPITAL ROAD,
ELTHURUTHU P.O., ARUNATTUKARA, TRICHUR.**

**BY ADVS.SRI.SAIGI JACOB PALATTY
SMT.ANU S. NAIR**

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. DONE DEVISON DANIEL,
CHERUVELI VEEDU, ATHINADU, PALA,
KOTTAYAM - 686 505.**

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A :** TRUE PHOTOCOPY OF THE FIR NO.406/15 OF NEDUMANGAD POLICE STATION.
- ANNEXURE B :** TRUE PHOTOCOPY OF THE FIR NO.542/13 OF NEDUMANGAD POLICE STATION.
- ANNEXURE C :** TRUE COPY OF THE COMPLAINT FILED BY MR.DAVIS BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD.
- ANNEXURE D :** TRUE PHOTOCOPY OF THE POWER OF ATTORNEY EXECUTED BY 2ND RESPONDENT.
- ANNEXURE E :** TRUE PHOTOCOPY OF THE PROMISSORY NOTE ISSUED IN ARAB LANGUAGE TO THE PETITIONER.
- ANNEXURE F :** TRUE PHOTOCOPY OF THE ENGLISH TRANSLATION OF THE PROMISSORY NOTE ISSUED BY THE 2ND RESPONDENT.
- ANNEXURE G :** TRUE PHOTOCOPY OF POWER OF ATTORNEY GIVEN BY THE PETITIONER AND THE NOTICE ISSUED BY THE PUBLIC PROSECUTOR TO THE 2ND RESPONDENT.
- ANNEXURE H :** TRUE PHOTOCOPY OF TRANSLATION OF ANNEXURE E.
- ANNEXURE I :** TRUE PHOTOCOPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

.....
CRL. M.C. No. 5881 of 2015
.....

Dated this the 8th day of September, 2015

ORDER

Petitioner is the 2nd accused in Crime No.406/2015 of the Nedumangad Police Station, registered for the offences punishable under Sections 468, 471, 420 and 120B IPC.

2. The allegation against the petitioner is that she has obtained the property of the defacto complainant transferred in her favour from the first accused on the strength of a forged power of attorney. The first accused is presently no more.

3. The learned Public Prosecutor has pointed out that presently investigation is going on in the matter. Let the matter be investigated. At present, it is too premature to say whether the offence against the petitioner will lie or not. At

this stage this Court while dealing with the matter under Section 482 Cr.P.C. is unable to scrutinize the entire evidence and to have a threadbare examination. Matters being so, this Crl.M.C. is premature and is only to be dismissed. It is open to the petitioner to approach this Court at any other appropriate stage. Matters being so, this Crl.M.C. is only to be dismissed, and I do so.

In the result, this Crl.M.C. is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge