

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Crl.MC.No. 6026 of 2015

**AGAINST THE ORDER IN Crl.MC 3768/2015 of HIGH COURT OF KERALA
DATED 23-06-2015**

CRIMINAL APPEAL NO.276/2015 OF COURT OF SESSION, ERNAKULAM

PETITIONER/PETITIONER :-

**SELIN BABY, AGED 63 YEARS,
W/O.BABY MATHEW, KAVALAM THARAYIL, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT(S)/STATE AND RESPONDENTS :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**
- 2. SABU, AGED 38 YEARS,
S/O.BABY, KAVALAM THARAYIL, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT – 682 020.**
- 3. SIJI, AGED 30 YEARS,
W/O.SABU, KAVALAM THARAYIL, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT – 682 020.**

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

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

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE – 1 : TRUE COPY OF THE ORDER IN CMP 4844/2013 OF THE JFCM-2,
ERNAKULAM.**

**ANNEXURE – 2 : TRUE COPY OF THE ORDER IN CRIMINAL APPEAL 299/14 OF
THE 5TH ADDITIONAL SESSIONS JUDGE, ERNAKULAM.**

**ANNEXURE – 3 : TRUE COPY OF THE ORDER IN CMP 7218/14 OF THE CJM-
ERNAKULAM.**

**ANNEXURE – 4 : TRUE COPY OF THE PROCEEDINGS IN CRIMINAL APPEAL 82/15
DATED 18TH MARCH AND 1ST APRIL 2015.**

**ANNEXURE – 5 : TRUE COPY OF THE APPLICATION FOR EXECUTION-CRIMINAL MP
2412/2015 BEFORE THE COURT OF CHIEF JUDICIAL MAGISTRATE,
ERNAKULAM.**

**ANNEXURE – A6 : TRUE COPY OF THE ORDER IN CRIMINAL MC 3768/2015 OF THIS
HONOURABLE COURT.**

**ANNEXURE – A7 : A TRUE COPY OF THE ORDER IN CRIMINAL MP 2412/2015 OF THE
CHIEF JUDICIAL MAGISTRATE, ERNAKULAM.**

**ANNEXURE – A8 : A TRUE COPY OF THE APPEAL MEMORANDUM IN CRIMINAL
APPEAL 276/2015 BEFORE THE COURT OF SESSIONS,
ERNAKULAM.**

**ANNEXURE – A9 : A TRUE COPY OF THE ORDER OF STAY PASSED IN CRIMINAL
APPEAL 276/2015 BY THE COURT OF SESSIONS, ERNAKULAM.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.6026 of 2015

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Dated this the 8th day of September, 2015

ORDER

Finding that the proper remedy is to file a petition under Article 227 of the Constitution in view of improper exercise of jurisdiction, the learned counsel for the petitioner seeks permission to withdraw the proceeding with liberty to file an original petition under Article 227 of the Constitution of India. This submission is accepted.

Accordingly, this Crl.M.C. is closed, without prejudice to the right of the petitioner to file a proper application for the proper relief. The petitioner is allowed to take back the orders and documents produced in this proceeding for filing a proper application.

**P.UBAID
JUDGE**

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