

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.MC.No. 4392 of 2010 ()

CC 1113/2010 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT, ADOOR

PETITIONER:

M.SELVARAJ, AGED 62 YEARS,
S/O. MURUGESAN, 1/8, THENI MAIN ROAD,
ACHAMPATHU, MADURAI TAMIL NADU-625019.

BY ADV. SRI.R.PADMAKUMAR

RESPONDENTS:

1. THE DIRECTOR GENERAL OF POLICE, KERALA,
THIRUVANANTHAPURAM-695 001.

2. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA-689 645.

3. THE SUPERINTENDENT OF POLICE,
MADURAI URBAN DISTRICT MADURAI, TAMIL NADU-625 019.

4. THE SUB INSPECTOR OF POLICE, PANDALAM-689 501.

5. VINOD KUMAR @ VINOD KUMAR NAMBOODIRI,
S/O. T.K. THANKAPPAN, THONIYIL VEEDU, KOOTHATTUKULAM,
VECHOOCHIRA, PATHANAMTHITTA DIST-686 682.

R1 TO R4 BY PUBLIC PROSECUTOR SMT.SAREENA
R5 BY ADVS. SRI.V.SETHUNATH
SRI.S.JUSTUS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/3/10/15

Cr1.MC.No. 4392 of 2010 ()

APPENDIX

PETITIONER'S ANNEXURES:

A1 COPY OF A NOTICE DATED 15.08.08.

A2 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 29.01.2010.

A3 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 17.02.2010.

A4 COPY OF THE F.I.R. IN CRIME 276/2010 OF THE PANDALAM POLICE STATION.

A5 COPY OF THE CHARGE SHEET IN CRIME NO.276/2010 OF PANDALAM POLICE STATION, IN C.C.1113/2010 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/3/10/15

B.KEMAL PASHA, J.

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CRL.M.C. No.4392 of 2010

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Dated this the 1st day of October, 2015

ORDER

The petitioner is CW2 in C.C.No.1113 of 2010 of the Judicial First Class Magistrate's Court, Adoor, which has arisen from Crime No.276 of 2010 of the Pandalam Police Station for the offences punishable under Sections 417 and 420 IPC.

2. According to the petitioner, no fruitful investigation was conducted in the matter and sufficient evidence has not been collected and therefore, further investigation is required in the matter.

3. It is a fact that a very old case is still pending before the court below. In spite of notice by the court below, it seems that the present petitioner has not cared to appear before the court below as is reported by the concerned judicial officer. The main complaint of the petitioner is that the accused had published a notice to the effect that he is conducting a *pooja* and he is the representative of the *Pandalam Raja* family and that the said notice was not seized and no evidence has been collected with regard to the publication of such a notice. It seems that such a notice has been seized along with the photo, and a mahazar has been prepared. CWs 4 and 5 have been cited to prove the publication of the said notice and photo as well as the preparation of the mahazar. The main allegation is that he had obtained various amounts from the petitioner by falsely representing that the son of the petitioner would be appointed as *poojari* of *Sabarimala* Temple. All the transactions were in secrecy. The amounts were not handed over in public. On going through the Final Report, and on hearing either side, this Court is of the view that presently, the

matter does not suffer from any laches. Matters being so, this Crl.M.C. is devoid of merits and is only to be dismissed.

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

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/1/10/15

// True Copy //

P.A. To Judge