

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Crl.MC.No. 6283 of 2015

CRIME NO. 1573/2015 OF THRISSUR EAST POLICE STATION, THRISSUR.
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PETITIONER/ACCUSED NO.1:

**ABI ANTONY, S/O. ANTONY,
POOVATHINGAL HOUSE, EAST FORT P.O.,
THRISSUR.**

**BY ADVS.SRI.SUSHANTH.J.
SMT.REENA ABRAHAM**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. U.THILAKAN, MANAGING PARTNER,
HOTEL RIVER RETREAT, CHERUTHURUTHY,
THRISSUR, PIN - 679 531.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE A1 :** THE TRUE COPY OF THE FIR INCRIME NO.1573/2015 OF
THRISSUR EAST POLICE STATION.
- ANNEXURE A2 :** THE TRUE COPY OF THE FORM NO.32 CESSATION
CERTIFICATE ISSUED BY THE REGISTRAR OF COMPANIES.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6283 of 2015

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Dated this the 3rd day of November, 2015

ORDER

According to the petitioner, he had ceased to be a Director of the concerned company with effect from 29.09.2012. The same is evident from Annexure-A2 also. At the same time, the complaint of the defacto complainant in this particular case is that he had participated in the chitty commenced by the company on 10.12.2009, and that he was cheated and defrauded. Matters being so, during that particular period, the petitioner was one of the Directors of the company. The fact that he had ceased to be a Director with effect from 29.09.2012 onwards, does not absolve the petitioner from criminal liability in this particular case, if proved. Matters being so, this Crl.M.C. is devoid of merits and is only to be dismissed, and I do so.

In the result, this Crl.M.C. is dismissed. The court below is

directed to dispose of the application seeking bail that may be filed by the petitioner on his surrender before the court below within a period of ten days from today, on the date of filing itself, provided advance notice on such application has been given to the Assistant Public Prosecutor in charge of the case also.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/3/11/15

// True Copy //

P.A. To Judge