

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 5463 of 2014 ()

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CC 483/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, MUVATTUPZHA
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PETITIONER/COMPLAINANT:

**SREE GOKULAM CHIT AND FINANCE COMPANY PVT LTD
356, ARCOT ROAD, KODAMBAKKOM, CHENNAI-600 024
REP. BY ITS PRESENT POWER OF ATTORNEY HOLDER:
JOMY M.C., S/O.CHACKO M.M., AGED 42 YEARS
SENIOR BUSINESS MANAGER, THODUPUZHA BRANCH
CHURAPUZHA TOWER, PALA ROAD, THODUPUZHA
IDUKKI-685 584.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT/COMPLAINANT:

- 1. SMT.LAIJU SHIBU, KUNNATHUKUDIYIL HOUSE
PERUMBALLOOR.P.O., MUVATTUPUZHA
ERNAKULAM. 686 673.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**

R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1- TRUE COPY OF THE COMPLAINT DATED 19.01.2010 IN C.C.NO.483 OF
2012 OF JFCM-II, MUVATTUPUZHA.**

**ANNEXURE A2- CERTIFIED COPY OF THE ORDER DATED 21.07.2014 OF THE JFCM-II,
MUVATTUPUZHA IN C.C.NO.483 OF 2012.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.5463 of 2014

Dated this the 4th day of February, 2015

O R D E R

The petitioner herein is the complainant in C.C.No.483/2012 of the Judicial First Class Magistrate Court-II, Muvattupuzha. On 21.07.2014 the learned Magistrate closed the proceeding as abated in view of the representation made by the learned counsel for the accused that the accused is no more. The petitioner's grievance is that no such submission was in fact made by the learned counsel. The petitioner's case is that the accused is very much alive, and so the impugned order closing the prosecution is sought to be set aside. The 1st respondent herein is the so called accused. Notice to him was served directly. In spite of notice, he is absent in this proceeding. There is reason to believe that the 1st respondent herein, who is the accused in the prosecution is very much alive, and the complainant's case is acceptable that the prosecution happened to be mistakenly closed. I find the necessity of interference in the matter.

Accordingly, the impugned order closing the prosecution in C.C.No.483/2012 on 21.07.2014 is hereby set aside, and the

prosecution is ordered to be revived. The court below will proceed with the prosecution from the stage at which it was closed on 21.07.2014, after giving notice to the accused.

Sd/-

P. UBAID, JUDGE

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