

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 6682 of 2015 ()

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C.M.P. NO.9083/2012 IN C.C. NO.74/2004 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, PARAVUR.**

PETITIONER/1ST ACCUSED:

**SADANANDAN PILLAI, AGED 72 YEARS,
S/O. MADHAVAN PILLAI, ANANDA BHAVAN,
AYIROOR VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.RAJENDRAN NAIR,
SMT.M.SANTHY.**

RESPONDENT/RESPONDENT IN CMP/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR, CBCID, KOLLAM- 691 001.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE 1. COPY OF THE PETITION IN CMP. 9083/2012.

ANNEXURE 2. COPY OF THE ORDER DATED 06.03.2015 IN CMP.9083/2012 IN CC. 74/2004 OF JUDICIAL MAGISTRATE OF THE 1ST CLASS, PARAVUR.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6682 of 2015

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Dated this the 17th day of December, 2015

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is the 1st accused in C.C.No.74/2004 of the Judicial First Class Magistrate's Court, Paravur, for the offences punishable under Sections 409, 420 and 468 read with Section 34 IPC. In that case, the evidence of the prosecution was over during 2012 and the petitioner was examined under Section 313 Cr.P.C on 25.07.2012. Thereafter, the petitioner was called upon to enter on his defence. The petitioner filed CMP No.9082/2012 under Section 315 Cr.P.C for permission to give his oral evidence and another CMP No.9083/2012 for sending the disputed documents with the admitted signatures and the

writings of the petitioner for comparison by the Forensic Science Laboratory, Thiruvananthapuram. CMP No.9082/2012 has not been disposed of so far and the same is kept pending. At the same time, the court below has dismissed CMP No.9083/2012 through Annexure-2 order.

3. The reasons given by the court below for dismissing the CMP through Annexure – 2 order are not at all justifiable. The court below has found that even the petitioner has no case like that in his defence. Even when the petition filed by the petitioner under Section 315 Cr.P.C is pending, the court below could not have made such an observation. The court below shall dispose of the petition under Section 315 Cr.P.C, expeditiously. The court below ought to have allowed CMP No.9083/2012. Annexure-2 order is liable to be quashed.

In the result, this Crl.M.C is allowed and Annexure-2 order stands quashed. CMP No.9083/2012 of the

court below stands allowed. The court below shall forward the documents along with the admitted signatures and admitted writings as well as the specimen signatures and specimen writings along with the documents noted in the CMP to the Forensic Science Laboratory for comparison and report.

Sd/-
B.KEMAL PASHA, JUDGE

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