

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936**

**Crl.MC.No. 5502 of 2014 (E)**  
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**AGAINST THE ORDER DATED 21.09.2014 IN CRL.M.P.NO.4541/2014 IN S.T.NO.815/2011  
OF THE JUDICIAL FIRST CLASS MAGISTRATE - III PALAKKAD**

**PETITIONER/ACCUSED :-**  
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**K.HARIDAS, AGED 46 YEARS,  
S/O.SAROJINI AMMA,  
MAMMOTHVEEDU,  
ORUMANAYOOR,  
CHAVAKKAD, THRISSUR.**

**BY ADV. SRI.RAJESH SIVARAMANKUTTY**

**RESPONDENTS/STATE AND COMPLAINANT :-**  
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- 1. THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JIMNA AMBADI, AGED 32 YEARS  
W/O.O.N.AMBADI,  
"YADHAVAM", KODUNTHARAPALLY,  
POODOOR, PALAKKAD - 678 001.**

**R1 BY SMT.S.HYMA,PUBLIC PROSECUTOR  
R2 BY ADV. SRI.RAJIT**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 5502 of 2014 (E)**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A :- CERTIFIED COPY OF THE ORDER DATED 21/9/2014 IN  
CRL.M.P. NO.4541/2014 IN ST NO.815/2011 PASSED BY THE  
LEARNED JUDICIAL FIRST CLASS MAGISTRATE - III, PALAKKAD.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**P.A. TO JUDGE**

**P.UBAID, J.**

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**Crl.M.C.No.5502 of 2014**  
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**Dated this the 4<sup>th</sup> day of March, 2015**

**ORDER**

The petitioner herein is the accused in S.T.No.815/2011 of the Judicial First Class Magistrate-III, Palakkad. The complainant was recalled on two occasions on application filed by the accused for cross-examination. The complainant's evidence was closed, and at that stage an application was filed by the petitioner to reopen the evidence. The attempt was to bringing some documents. The application filed as C.M.P.No.4541/2014 to reopen the evidence was dismissed by the learned Magistrate on the ground that the application does not say what document is to be produced and how the said document is relevant, or how it will be decisive in the adjudication process. This order dated 21.09.2014 is under challenge. On hearing both sides and on perusal of the impugned order I find that the application was rightly dismissed by the learned Magistrate. Copy of the application filed by the petitioner

is made available in open Court. On a perusal of the application I find that the application does not say what document is to be produced, or how the said document is relevant. Now it is submitted that the complainant's father has brought another prosecution under Section 138 of Negotiable Instruments Act, and that the two cheques were in fact handed over by the accused to the complainant's father as security in some other transaction. That is a matter to be proved otherwise. Anyway, when the application to reopen the evidence does not contain any reason, the trial court cannot allow the application. The petitioner's application was rightly dismissed by the trial court. I find no reason for interference.

In the result, the Crl.M.C. is dismissed in limine, without being admitted to files.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE