

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Cr1.MC.No. 6698 of 2015

C.C No.766/2012 of J.M.F.C.-I, KOZHIKODE

CRIME NO. 114/2010 OF KOZHIKODE TOWN POLICE STATION,
KOZHIKODE

PETITIONERS/ACCUSED Nos. 1&3:

1. M. THAMBAN, S/o.A.NARAYANAN NAIR,
AGED 48 YEARS,KUNDAMKUZHI HOUSE,
MUTHANADUKKAM, KUNDAMKUZHI.P.O., BEDADKA
VILLAGE, KASARAGOD TALUK, KASARAGOD DISTRICT.
2. R.GOPALAKRISHNAN, S/o.RAGHAVAN, AGED 68 YEARS,
'USHAS' NEAR RAILWAY GATE, PAYYANNUR,
P.O.PAYYANNUR, KANNUR DISTRICT.

BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
S.H.O., KOZHIKODE TOWN POLICE STATION,
KANNUR DISTRICT.
2. THE BRANCH MANAGER, K.S.F.E LOAN UNIT,
ARADHANA BUILDING, KALLAI ROAD, KOZHIKODE,
KOZHIKODE.P.O., KOZHIKODE DISTRICT - 673 001.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

R2 BY ADVS. SRI.LAL GEORGE, SC, K S F E
SRI.ALEXANDER.C.V., SC, K S F E

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 14-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

- A1 : TRUE CERTIFIED COPY OF THE FIR WITH COPY OF COMPLAINT IN CRIME NO.114/2010 OF KOZHIKODE TOWN POLICE STATION.
- A2 : TRUE CERTIFIED COPY OF THE CHARGE SHEET IN C.C.NO.766/2012 ON THE FILE OF J.F.C.M. COURT NO-I, KOZHIKODE.
- A3 : TRUE COPY OF THE AWARD PASSED IN THE LOK ADALATH HELD AT KASARAGOD DATED 11.07.2015.
- A4 : TRUE COPY OF THE RECEIPT ISSUED BY THE SPECIAL DEPUTY TAHSILDAR (R.R) , KANNUR DATED 10.09.2015.

RESPONDENTS' ANNEXURES : NIL

//True copy//

P.A to Judge

B.KEMAL PASHA, J.

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Crl.M.C. No. 6698 of 2015

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Dated this the 14th day of October, 2015

ORDER

The petitioners are the accused in C.C.No.766/2012 of the Judicial First Class Magistrate's Court - I, Kozhikode, which has arisen from Crime No.114/2010 of the Kozhikode Police Station, for the offences punishable under Sections 465, 468, 471 and 420 IPC.

2. The allegation against the petitioners is that they have forged and fabricated false documents and made use of it as genuine and by furnishing those forged documents as security, obtained a loan amount of ₹3,67,000/- from the K.S.F.E, Kallai Branch.

3. According to the petitioners, the entire amounts have been repaid through Annexure - A3 Award passed by the Lok Adalath. It seems that an amount of ₹6,20,000/- was ordered to be paid by the Lok Adalath and that amount was paid through Annexure-A4 acknowledgment.

4. Whatever it is, on going through the seriousness of the allegations, the mere fact that the amount has been returned with interest, is not at all a

ground for quashing the proceedings against the petitioners. 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.

Sd/-
B.KEMAL PASHA, JUDGE

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