

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

Crl.MC.No. 6792 of 2015

CRIME NO. 211/2007 OF KAREELAKULANGARA POLICE STATION , ALAPPUZHA

PETITIONER/PETITIONER :-

**B.SARALA, AGED 57 YEARS, D/O.BHARGAVI,
MAPPOTTIL KIZHAKKATHIL HOUSE,
WARD NO.V, CHEPPAD PANCHAYAT, MUTTOM,
CHEPPAD - 690 507.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.RAAJESH S.SUBRAHMANIAN**

RESPONDENTS/RESPONDENTS :-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ANIL, AGED 28 YEARS, SON OF MADHAVAN,
MAPPOTTIL VEEDU, WARD NO.V, CHEPPAD PANCHAYAT,
MUTTOM, CHEPPAD - 690 507.**
- 3. ABHILASH, AGED 32 YEARS, SON OF MADHAVAN,
MAPPOTTIL VEEDU, WARD NO.V, CHEPPAD PANCHAYAT,
MUTTOM, CHEPPAD - 690 507.**
- 4. VIJAYAKUMARAN @ KUMAR, AGED 38 YEARS,
S/O.CHELLAPPAN, KALEEKKAL KIZHAKKATHIL VEEDU,
MUTTOM MURI, CHEPPAD - 690 507.**

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 6792 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE PHOTOSTAT COPY OF THE FINAL REPORT SUBMITTED
BY THE INVESTIGATION OFFICER ON 22.07.2013.**

**ANNEXURE A2 : TRUE PHOTOSTAT COPY OF THE CRL.M.P.NO.690 OF 2015 IN
S.C.NO.188 OF 2008 FILED BEFORE ASSISTANT SESSIONS COURT,
ALAPPUZHA, DATED 14.07.2015.**

**ANNEXURE A3 : CERTIFIED COPY OF THE ORDER IN CRL.M.P.NO.690 OF 2015
IN S.C.NO.188 OF 2008 OF THE ASSISTANT SESSIONS COURT,
ALAPPUZHA DATED 14.07.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6792 of 2015

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Dated this the 20th day of October, 2015

ORDER

The petitioner herein is the defacto complainant in S.C.No.188 of 2008 before the learned Assistant Sessions Judge, Alappuzha. She made an application before the trial court as Crl.M.P.No.190 of 2015 under Section 173(8) Cr.P.C. for further investigation. The learned Assistant Sessions Judge dismissed the said application on 27.06.2015. The said order is under challenge before this Court, and the Crl.M.C. brought by the petitioner is yet to be admitted to files. The Court has posed a query whether the right remedy against such an order is Crl.M.C. under Section 482 Cr.P.C., or a revision under Section 397 Cr.P.C. Anyway, after the order in CMP No.190 of 2015 the petitioner made another application for the same relief on the very same ground, as CMP No.690 of 2015. The learned Assistant Sessions Judge dismissed the said application also on

14.07.2015 on the ground that an earlier application for the same relief on the same ground stands dismissed. The said order on 14.07.2015 is under challenge in this Crl.M.C.

2. On hearing the learned counsel, and on a perusal of the impugned order, I find no scope or reason for interference in the order passed by the Court below. The petitioner has no explanation why she made a second application for the same relief on the very same ground, rejected by the trial court. As regards rejection of the first application, the matter is pending before this Court, and decision is yet to be taken. In such a situation, she could not have made a second application for the same relief, I find the second application was rightly dismissed by the learned trial judge.

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

Sd/-
**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE