

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Cr1.MC.No. 6913 of 2015 ()

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CRL.R.P. 38/2012 of SESSIONS COURT, PALAKKAD

CC 87/2007 of CHIEF JUDICIAL MAGISTRATE'S COURT, PALAKKAD

CRIME NO. 474/2006 OF TOWN NORTH POLICE STATION, PALAKKAD

PETITIONER/ACCUSED:

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WALTER ALIAS WALTER PREMADAS ALIAS MOHAMMED HUSSAIN  
ALIAS MOHAMMED, S/O. GEORGE ALIAS SAIDUBAWA RAWTHER,  
AGED 62 YEARS, RESIDING AT MISSION COMPOUND,  
MEPARAMBA, PALAKKAD.

BY ADV. SRI.K.RAVI (PARIYARATH)

RESPONDENT/STATE:

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STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

DSV/28/10/15

Cr1.MC.No. 6913 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

A1 COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE COURT, IN  
CRL.M.C.NO.3016/11 DATED 04.11.2011.

A2 COPY OF THE ORDER PASSED IN C.C.NO.87/2007, ON THE FILE  
OF THE CHIEF JUDICIAL MAGISTRATE, PALAKKAD, DATED 09.04.2012.

A3 COPY OF THE ORDER PASSED IN CRL.R.P.NO.38/12, ON THE FILE  
OF THE COURT OF SESSIONS, PALAKKAD, DATED 01.10.2015.

RESPONDENT'S ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/28/10/15

**B.KEMAL PASHA, J.**

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Crl.M.C. No. 6913 of 2015

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Dated this the 27<sup>th</sup> day of October, 2015

**ORDER**

According to the petitioner, the offence under Section 419 IPC will not lie in the matter, as there are no sufficient ingredients in the matter to attract 'cheating' within the meaning of Section 415 IPC. It seems that the court below as well as the revisional court has taken the view that the petitioner is not entitled to get a discharge for the offence under Section 419 IPC.

2. On hearing the submissions made by the learned

counsel for the petitioner, this Court is of the view that the submissions made by the learned counsel for the petitioner may be grounds that can be canvassed during trial.

By directing the court below to take an independent view in the matter, with an open mind, quite untrammelled by any of the observations made by the trial court or the revisional court, this Crl.M.C. is closed.

Sd/-

**B.KEMAL PASHA  
JUDGE**

*DSV/27/10/15*

*// True Copy //*

*P.A. To Judge*