

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Crl.MC.No. 5765 of 2014

**AGAINST THE ORDER DATED 12TH DAY OF SEPTEMBER, 2014 OF THE SUB
DIVISIONAL MAGISTRATE COURT, KOTTAYAM**

PETITIONER(S)/ACCUSED :

**THOMAS @ KUNJUKUNJ KALAYIL, AGED 72 YEARS,
S/O.THOMMEN, EZHUMAVIL VEEDU, ERAVINELLOOR P.O.,
PUTHUPALLY, KOTTAYAM.**

BY ADV. SRI.T.O.XAVIER

RESPONDENT(S)/COMPLAINANT :

- 1. SUKUMARAN,
VYSYAMPARAMBIL VEEDU, ERAVINELLOOR P.O., PUTHUPALLY,
KOTTAYAM- 686 025.**
- 2. MOLLAMMA,
W/O. SUKUMARAN, ERAVINELLOOR P.O., PUTHUPALLY,
KOTTAYAM- 686 025.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 4. REVENUE DIVISIONAL OFFICER,
KOTTAYAM- 686 001.**

R3 & R4 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 09-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: A TRUE COPY OF THE ORDER DATED 13.06.2014 ISSUED
BY THE 4TH RESPONDENT.**

**ANNEXURE B: A TRUE COPY OF THE ORDER DATED 12.09.2014 ISSUED
BY THE 4TH RESPONDENT.**

**ANNEXURE C: TRUE COPY OF THE COUNTER AFFIDAVIT SUBMITTED BY
THE PETITIONER.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.5765 of 2014 C
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Dated this the 9th day of December, 2015

ORDER

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On hearing the learned counsel for the petitioner, this Court is of the view that there is absolutely nothing to interfere with the impugned order passed by the court below. In fact, the petitioner ought to have cut and removed the coconut tree in question. In the interest of justice, the court below has ordered only a protection by an iron net around the top of the coconut tree. That is unnecessarily challenged. 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)

aks/09/12

// True Copy //
PA to Judge