

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

CrI.MC.No. 7291 of 2015 ()

SC 193/2015 of ADDL.SESIONS COURT-I, KOTTAYAM

PETITIONER/ACCUSED :

**TESSY K. MATHEWS,W/O. SRI.C.M.BOSE,
CHEMPAKATHINAL HOUSE, LALAM VILLAGE
MOONNANI KARA, KIZHATHADIYOOR P.O., PALA,
KOTTAYAM DISTRICT.**

BY ADV. SRI.ANTONY MUKKATH

RESPONDENTS:- STATE & DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION,
POONJAR, KOTTAYAM DISTRICT - 686 581.**

**R1 BY PUBLIC PROSECUTOR SMT. P.MAYA
R2 BY SRI.K.M.SATHYANATHA MENON,SC,KSEB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- A1 - TRUE COPY OF LETTER DT. 15.11.2014 OF THE PETITIONER TO THE JUNIOR ENGINEER, KSEB, POONJAR.
- A2 - TRUE COPY OF REPLY LETTER DT. 19.11.2014 OF THE 2ND RESPONDENT.
- A3 - TRUE COPY OF THE REPLY DT.17.12.2014 OF THE PETITIONER TO THE 2ND RESPONDENT.
- A4 - TRUE COPY OF REPRESENTATION DT. 20.12.2014 OF THE PETITIONER TO THE RISHIRAJ SINGH IPS.
- A5 - TRUE COPY OF THE NOTICE NO. DB8/14-15/13 DT. 09.01.2015 OF THE 2ND RESPONDENT.
- A6 - TRUE COPY OF THE ORDER IN IA NO. 83/2015 IN OA NO. 27/2015 DT. 21.3.2015 IN THE COURT OF THE MUNSIF, ERATTUPETTA.
- A7 - CERTIFIED COPY OF THE FIR NO. 0166/2015 OF ERATTUPETTA POLICE STATION ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT, ERATTUPETTA.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7291 of 2015
.....

Dated this the 9th day of December, 2015

O R D E R

~ ~ ~ ~ ~

Heard learned counsel for the petitioner, learned counsel for the 2nd respondent and learned Public Prosecutor.

2. According to the petitioner, the allegations against the petitioner will not constitute an offence under Section 138(a) of the Indian Electricity Act, 2003. On going through the allegations, it seems that presently, it is too premature to consider the question. According to the learned counsel for the petitioner, there are contradictions between the earlier statement of the de facto complaint and the subsequent complaint in the matter. Those matters require evidence. When it is a matter to be proved through

evidence, the present stage is too premature to consider the said question.

With liberty to the petitioner to take up the very same contentions before the court below during trial, this Crl.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/09/12

// True Copy //

PA to Judge