

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Crl.MC.No. 6135 of 2014

CC 443/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA.

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PETITIONER(S)/ACCUSED 1,2, 5 & 7 & 8:

- 1. ARUN CHANDRAN, AGED 36 YEARS,
S/O.LT.COL.CHANDRASEKHARAN NAIR(RTD.),
VIRUTHETH VEEDU, PANDANAD, CHENGANNUR.**
- 2. LT.COL.CHANDRASEKHARAN NAIR (RETD.)
AGED 72 YEARS, S/O.LATE KUNJUNNI NAIR,
VIRUTHETH VEEDU, PANDANAD, CHENGANNUR.**
- 3. AJAYA CHANDRAN, AGED 38 YEARS,
S/O.LT.COL.CHANDRASEKHARAN NAIR(RTD.),
VIRUTHETH VEEDU, PANDANAD, CHENGANNUR.**
- 4. SHOBHANA CHANDRAN, AGED 61 YEARS,
W/O.LT.COL.CHANDRASEKHARAN NAIR(RTD.),
VIRUTHETH VEEDU, PANDANAD, CHENGANNUR.**
- 5. RADHAMMA KESAVAPILLA, AGED 84 YEARS,
W/O.LATE KESAVAPILLA, VIRUTHETH VEEDU,
PANDANAD, CHENGANNUR.**

BY ADV. SRI.A.RAJASIMHAN

RESPONDENT(S)/STATE AND THE DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. AMBIKADEVI, W/O.RAJENDRAN, ARUVAKKODATH HOUSE,
KAMBANIPPADI, ALUVA, NOW RESIDING AT POURNAMI,
VATTEKKATTU LANE, AZAD ROAD, KALOOR - 682 032.**

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

R2 BY ADV. SRI.K.R.VINOD

**THIS CRIMINAL MISC. CASE HAVING COME FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1- CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED IN THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA.**
- ANNEXURE A2- CERTIFIED COPY OF THE FIR IN CRIME NO.1398/2008 OF ALUVA
POLICE STATION.**
- ANNEXURE A3- CERTIFIED COPY OF CHARGE SHEET IN CC NO.443 OF 2010.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6135 of 2014

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Dated this the 30th day of October, 2015

ORDER

Petitioners are the accused in C.C No.443/2010 of the Judicial First Class Magistrate's Court-I, Aluva, presently pending, for the offence under Section 420 read with Section 34 IPC. It seems that the continued trial of the case has been stayed by this Court in this matter.

2. Heard the learned counsel for the petitioners and the learned counsel for the 2nd respondent.

3. The 2nd respondent is an aged woman, who is a senior citizen. On hearing either side, it seems that the contentions presently resorted to by the petitioners are based on the evidence to be adduced in the matter. The present stage is too premature to consider the merits or otherwise of the allegations against the petitioners. This Court cannot go into the intrinsic particulars of the evidence collected by the Investigating Officer and weigh

evidence on merits.

4. At the same time, the petitioners can bring those matters to the notice of the court below at the stage of Section 239 Cr.P.C. In such case, the court below shall consider the matter and pass appropriate orders in accordance with law.

With such a liberty to the petitioners, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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