

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA,
1937

Cr1.MC.No. 7391 of 2015

IN CC 1894/2015 of JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHAVARA
CRIME NO. 1175/2012 OF CHAVARA POLICE STATION , KOLLAM

PETITIONER/DE-FACTO COMPLAINANT:

M.K.NASEEMA
D/O KOYAKUTTY (LATE) , MUKKADAYIL HOUSE,
(ANGAVEETIL)
P.O VADAKKUMTHALA EAST, KARUNAGAPPALLY,
KOLLAM DISTRICT
NOW AT TC 12/831(1) , 'BERSHEBA",
HOUSE. NO BHRA 193,
BARTON HILL, KUNNUKUZH. P.O,
THIRUVANANTHPAURAM DISTRICT

BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH
SRI.SAJEEV.T.P.

RESPONDENTS/ACCUSED:

1. PAREEDKUTTY M.M,
S/O MAKKARKUTTY MANIYAMPARA HOUSE, CHOVVARA,
ALUVA, ERNAKULAM DISTRICT-695 051
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING THE SUB INSPECTOR OF POLICE
CHAVARA, KOLLAM

R2 BY PUBLIC PROSECUTOR SMT.MADHUBEN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7391 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE.A : THE CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO. 1175/12 FILED BEFORE THE JFCM COURT,
KARUNAGAPPALLY DT. 10/11/12

ANNEXURE.B : COPY OF THE ORDER IN CRL.M.C. 6276/13 DT.
26/8/14

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7391 of 2015

Dated this the 1st day of December, 2015

O R D E R

The petitioner herein is the defacto complainant in C.C No.2690/2012 of the Judicial First Class Magistrate Court, Karunagappally, which now stands transferred to the Judicial First Class Magistrate Court (Temporary), Chavara, and it is numbered as C.C No.1894/2015. The petitioner's complaint is that when the order of this Court in Crl.M.C No.6276/2013 quashing the said prosecution was produced before the learned Judicial First Class Magistrate Court, Chavara, he did not accept it and insisted on production of a proper order quashing C.C No.1894/2015. In view of such grievance a report was called for from the Judicial First Class Magistrate Court, Chavara. This report shows that C.C No.1894/2015 is in fact the case No.2690/2012 transferred from the Judicial First Class Magistrate Court, Karunagappally. In such a situation the learned Magistrate should have accepted the order of this Court in Crl.M.C No.6276/2013 and should have acted accordingly. It was wrong on the part of the learned Magistrate to insist on

production of a proper order, or to get the order corrected as regards the name of the court. When a prosecution is quashed by this Court, it will have force wherever the case is; whether it is transferred to some other court nor not. A further order quashing C.C No.1894/2015 is not required. It is clarified and directed that the Judicial First Class Magistrate Court (Temporary), Chavara shall act on the order of this Court, in Crl.M.C No.6276/2013 by which the prosecution stands quashed.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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