

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Crl.MC.No. 7650 of 2015

MC 67/2010 OF J.M.F.C.-II, NEYYATTINKARA

PETITIONER/1ST RESPONDENT :-

**D. JOHN, AGED 82 YEARS,
S/O.DANIEL, THRIPTI SADANAM,
NEDAYAKALA, POZHIYOOR P.O.,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT(S)/STATE & PETITIONER :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. S.VISHALAKSHI, D/O.SNATHA,
THRIPTI SADANAM,
NEDAYAKALA, POZHIYOOR P.O.,
THIRUVANANTHAPURAM - 95 125.**

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE I : TRUE COPY OF M.C.NO.67/2010 DATED 2.2.2009 ON THE FILE OF JFMC-II, NEYYATTINKARA.

ANNEUXRE II : TRUE COPY OF OBJECTION DATED 25.01.2010 BY PETITIONER IN C.M.P.NO.933/2009.

ANNEXURE III : TRUE COPY OF OBJECTION DATED 7.7.2009 IN CMP NO.933/2009.

ANNEXURE IV : TRUE COPY OF C.M.P.NO.6975/2015 DATED 16.11.2015.

ANNEUXRE V : TRUE COPY OF OBJECTION DATED 19.11.2015.

ANNEUXRE VI : TRUE COPY OF PETITION DATED 5.12.2015 IN M.C.NO.67/2010.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P. UBAID, J.

Crl.M.C.No.7650 of 2015

Dated this the 7th day of December, 2015

O R D E R

Heard. The petitioner herein is the 1st respondent in a proceeding brought under Section 12 of the Protection of Women from Domestic Violence Act (D.V. Act). During the proceeding he wanted to prove his actual age. An application filed by him to undergo medical examination stands dismissed. With the hope that he could obtain orders, he did not adduce any evidence of his own during trial. Now, the case stands posted to 09.12.2015. The petitioner has not so far obtained copy of the order by which his request to undergo medical examination was rejected. He seeks a direction under Section 482 Cr.P.C. to the court below to issue a copy of the order. In fact, such an order or direction cannot be granted under Section 482 Cr.P.C. What the petitioner seeks is only an administrative order. Now, it is submitted that the petitioner could not adduce his own evidence due to some unavoidable circumstances. If that is his grievance, and if he wants to adduce evidence of his own as part of trial, he can very

well approach the learned Magistrate with an application to re-open the evidence, and accordingly, he can adduce his evidence as respondent. If such evidence is adduced, the case will be decided on merits by the learned Magistrate.

With these observations, this Crl.M.C. is closed. Furnish a copy of this order immediately to the learned counsel for the petitioner.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge