

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. 7695 of 2015

**CMP 3977/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - XI,
THIRUVANANTHAPURAM**
.....

PETITIONER(S)/PETITIONER:

**SHAMNAVAS,
S/O. SHAMSUDEEN, SHAM NIVAS, MUTTADA P.O.,
PEROORKADA, KUDAPPANAKUNNU VILLAGE,
THIRUVANANTHAPURAM DISTRICT,
REP. BY HIS POWER OF ATTORNEY HOLDER M.SHABEER,
S/O. MUHAMMED SALI, MANKULAM HOUSE, MUTTADA P.O.,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. LAWRENCE JOSEPH,
S/O. JOSEPH, ANIZHAM VEEDU, C 60,
AUGASTHIYAR GARDEN, VILAPPIL VILLAGE, KATTAKKADA TALUK,
THIRUVANANTHAPURAM DISTRICT.**
- 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SMT.MAYA

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

msv/

Crl.MC.No. 7695 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I- COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT XI,
THIRUVANANTHAPURAM.**

ANNEXURE II- COPY OF THE PETITION FILED BY THE PETITIONER IN C.M.P. 3977/15.

**ANNEXURE III- COPY OF THE ORDER IN C.M.P.NO. 3977/15 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-XI, THIRUVANANTHAPURAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7695 of 2015
.....

Dated this the 9th day of December, 2015

ORDER

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Heard learned counsel for the petitioner.

2. It seems that the court below has dismissed CMP No.3977/2015 through Annexure-III order on the ground that the petition was filed under Section 97 Cr.P.C. It seems that the petitioner wanted to move under Section 91 Cr.P.C. Mistakenly, the provision was noted as Section 97 Cr.P.C. The petitioner shall file fresh application before the court below under Section 91 Cr.P.C. In such case, the court below shall consider and dispose of the same in accordance with law, expeditiously.

With the said direction, this Crl.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/09/12

// True Copy //
PA to Judge