

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Crl.MC.No. 6774 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN CC 1487/2005 of J.M.F.C.-I,ATTINGAL

PETITIONER(S)/PETITIONER/ACCUSED:

BENEDICTA LOPEZ
D/O K.S.LOPEZ, HOUSE NO.121, TC.31/132
ATTIPRA VILLAGE.

BY ADVS.SMT.MAJIDA.S
SRI.AJIKHAN.M

RESPONDENT(S)/RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. SELIN MARY,
SELEN MARY, RENJINI HOUSE, MARYANADU
PUTHUKURICHI P.O., TRIVANDRUM-695315.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6774 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE C.M.P. NO.1524/2014 IN C.C.NO.99/2014 TO LIFT THE ATTACHMENT ON HER PROPERTY UNDER SECTION 85(3) OF CR.P.C. ON 24.3.2014 FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

ANNEXURE A2: TRUE COPY OF THE ORDER IN C.C.NO.99/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, ATTINGAL DATED 3.7.2014.

ANNEXURE A3: TRUE COPY OF THE ORDER IN CMP NO.1524/2014 IN C.C.NO.99/14 ON TEH FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-1, ATTINGAL DATED 20.8.2014.

ANNEXURE A4: TRUE COPY OF THE SECTION 82 NOTICE ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

ANNEXURE A5: TRUE COPY OF THE SECTION 83 NOTICE ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.6774 of 2014**  
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Dated this the 13th February, 2015

ORDER

What is under challenge is the legality and propriety of the process issued from the court below under Section 85 (3) of the Code of Criminal Procedure. Of course, as regards the attachment as such, the petitioner will have to seek appropriate remedy when the period of two years is over. However, the petitioner opts to challenge the very legality and propriety of the process itself, which led to the attachment.

The learned counsel for the petitioner now seeks permission to withdraw the proceeding with liberty to file a proper proceeding challenging the legality of the process as such. The petitioner wants to bring proceeding under Article 227 of the Constitution of India. Permission for withdrawal is granted, on submission. Accordingly, this CrIM.C is dismissed as withdrawn. The petitioner is permitted to take back the material documents, for filing a proper proceeding.

Sd/-
P.UBAID
JUDGE

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/True copy/

P.S to Judge