

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Crl.MC.No. 6926 of 2014

**CC 448/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM.
CRIME NO. 679/2012 OF SHORNUR POLICE STATION, PALAKKAD DISTRICT.**
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PETITIONER/ACCUSED:

**ANURAJ, AGED 32 YEARS,
S/O.T.G.RAJAN, THANDASSERY HOUSE,
VARANTHARAPILLY, THRISSUR.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

- 1. SUBAIR, S/O.HAMSA HAJI, KALATHILTHODI HOUSE,
KAILIYADU POST, KALATHILTHODI,
CHALAVARA VILLAGE, OTTAPALAM TALUK.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.R.SREEHARI
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A- TRUE COPY OF THE PRIVATE COMPLAINT PREFERRED BY THE
1ST RESPONDENT HEREIN BEFORE THE COURT OF THE
JUDICIAL MAGISTRATE OF THE FIRST CLASS, OTTAPALAM
AGAINST THE PETITIONER HEREIN DATED 29.06.2012.**

ANNEXURE B- TRUE COPY OF THE F.I.R. IN CRIME NO.679/2012 OF SHORNUR POLICE STATION, PALAKKAD DISTRICT.

ANNEXURE C- TRUE COPY OF THE FINAL REPORT IN CRIME NO.679/2012 OF SHORNUR POLICE STATION, PALAKKAD DISTRICT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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Crl.M.C. No. 6926 of 2014

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Dated this the 4th day of November, 2015

ORDER

The petitioner is the accused in C.C.No.448 of 2012 of the Judicial First Class Magistrate's Court, Ottapalam, which has arisen from Crime No.679 of 2012 of Shornur Police Station, for the offences under Section 420 IPC.

2. The learned counsel for the petitioner has argued that an offence under Section 420 IPC cannot be invited to the facts and circumstances of the case. Presently it is too premature to consider the said question. The argument put forwarded by the learned counsel for the petitioner is based on evidence in the matter. In case of any technicalities, the petitioner can very well approach the court below at the stage of Section 239 Cr.P.C. with a request, in case he is entitled. In such case, the court

below shall consider the matter and pass appropriate orders in accordance with law.

With the said liberty to the petitioner, this Crl.M.C. is closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/6/11/15

// True Copy //

P.A. To Judge