

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

Crl.Rev.Pet.No. 699 of 2015

**AGAINST THE ORDER IN CC 52/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PONNANI DATED 28-02-2015**

REVISION PETITIONER/COMPLAINANT :-

**PRAJEESH, S/O.DAMODARAN,
MALAYAMKULATH (H),
MARRENCHERRY,
PONNANI.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENTS/STATE/RESPONDENTS :-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. MADHAVAN, S/O.KORMAN, THURAVANATH (H),
KANJIRAMUKKU, PERUMBADAPPU,
PERUMBADAPPU POLICE STATION LIMIT,
MALAPPURAM DISTRICT - 679 580.**
- 3. NIKHIL.T.MADHAVAN, S/O.MADHAVAN,
THURAVANATH (H), KANJIRAMUKKU,
PERUMBADAPPU,
PERUMBADAPPU POLICE STATION LIMIT,
MALAPPURAM DISTRICT - 679 580.**

R1 BY P.P, SRI.JUSTINE JACOB

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.HARILAL, J

Crl.R.P.No.699 of 2015

Dated this the 10th day of June, 2015

ORDER

The revision petitioner is the complainant in CC No.52/14 on the files of the Judicial First Class Magistrate Court, Ponnani, alleging offences punishable under Sections 420 and 506 read with Section 34 of the Indian Penal Code, against the respondents 2 and 3. The Sworn statement was recorded on 04.01.2014 and summons was ordered to the respondents on 18.01.2014. There was no posting till 18.02.2015. According to the petitioner, due to the mistake on the part of the Advocate Clerk, the batta for summons was erroneously remitted in another case. When the case was called on 18.02.2015, the learned Magistrate dismissed the complaint under Section 204 of Cr.P.C. for not remitting the batta. This order is under challenge in this revision petition.

2. The learned counsel for the petitioner advanced

arguments seeking an opportunity to proceed with a complaint again. According to him, there was no willful negligence or default from the part of the petitioner in not taking steps to issue notice.

3. Heard the learned counsel for the petitioner.

4. Having regard to the facts and circumstances of the case, I am inclined to take a lenient view on terms. The petitioner is given another opportunity to proceed with the complaint on payment of ₹2,000/- as cost to the trial court within a period of forty five days from today. On payment of cost, the impugned order will stand set aside and the court below shall restore the complaint on the files and proceed in accordance with law.

Accordingly, this Criminal Revision Petition is allowed.

Sd/-
K.HARILAL
JUDGE

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P.A. TO JUDGE