

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

OP(CrI.).No. 34 of 2015 (Q)

AGAINST THE ORDER/JUDGMENT IN CC 790/2013 of J.M.F.C.-IV,KOZHIKODE

PETITIONER(S):

**K.SINI,
W/O.SUNILKUMAR, RESIDING AT MATHOTTILPARAMBA,
VENGERI AMSOM, NEDUNGOTTUR DESOM, KOZHIKODE 673 020.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT(S):

- 1. VIJAYAKUMAR,
S/O.ACHUTHAN NAIR, 'KHIER' HOUSE, PUNADATH THAZHAM ROAD,
P.O ERANHIPALAM, KOZHIKODE 673 006.**
- 2. SATHYAKRISHNAN K.P.,
S/O.ACHUTHAN NAIR, 'ACHUTH' NIVAS, PUNADATH THAZHAM ROAD,
P.O ERANHIPALAM, KOZHIKODE 673 006.**
- 3. PLIHITHAKSHAN,
S/O.KITTUNNI, PATHAYAM PARAMBIL, 51/1057,
PUNADATH THAZHAM ROAD, P.O ERANHIPALAM,
KOZHIKODE 673 006.**
- 4. ANILKUMAR,
S/O.CHANDRAN, ANGODI HOUSE, 5/1027,
KOTTARAM CROSS ROAD, NEAR SKYLINE APARTMENT,
P.O ERANHIPALAM, KOZHIKODE 673 006.**
- 5. VALSARAJ,
S/O.RAGHAVAN, PANINEER VEEDU, 5/1017,
KOTTARAM CROSS ROAD, P.O ERANHIPALAM,
KOZHIKODE 673 006.**
- 6. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM KOCHI 682 031.**

**R1 -R5 BY ADV. SRI.P.S.KRISHNA PILLAI
R6 BY SMT.SREELATHA PARAMESWARAN, GOVERNMENT PLEADER**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

SD

OP(Crl.).No. 34 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT IV, KOZHIKODE AS CMP
5907/2012. (C.C.NO.790/13)**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

PA TO JUDGE

SD

P. UBAID, J.

O.P.(CrI) No.34 of 2015

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner herein is the complainant in C.C.No.790/2013 of the Judicial First Class Magistrate Court-IV, Kozhokode. She wants the examination of her witnesses to be made first, and her grievance is that the learned Magistrate has been insisting that the complainant must give evidence first, before the witnesses are examined. She seeks a direction from this Court under Article 227 of the Constitution of India to the court below, that the complainant shall not be insisted to adduce evidence before the examination of the witnesses. She seeks orders on the ground that it is her right and privilege as complainant, to decide who must be examined first.

2. Now, there is a report from the court below regarding the present stage of the case. The diary extract submitted by the learned Magistrate shows that the complainant stands already examined as PW1 on 08.07.2015, and the case now stands posted for the cross examination of the complainant, on 12.08.2015.

In such a situation when the complainant has already given

evidence, the prayer in this original petition has become infructuous.

This Original Petition is, accordingly, closed.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

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