

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

OP(Crl.).No. 136 of 2015 (Q)

AGAINST THE ORDER/JUDGMENT IN ST 91/2012 of J.M.F.C.-I,KOYILANDY

PETITIONER(S)/ACCUSED

**SATHYANARAYANAN NAMBOOTHIRI AGED 42 YEARS
S/O.NARAYANAN NAMBOOTHIRI
RESIDING AT PEESHPPILI MANA, PORAVUR, KARIKKADU P O
TALAPPILLY TALUK, THRISSUR**

BY ADV. SRI.NEMOM CHANDRA BABU

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI 31**
- 2. MAHESH M
S/O.BABU, KANIYARAKKAL THAZHAM, ERNHIKKAL P O
KOZHIKODE 673303**
- 3. BEENA KUMARI A
D/O.GOVINDAN NAMBOOTHIRI, AMBILI ILLAM
VILLIYAPPILLI ROAD, KADAMERI P O, VADAKARA 673103**

R1 BY GOVERNMENT PLEADER SMT.SAREENA GEORGE

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(Crl.).No. 136 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF THE ADVOCATE NOTICE DTD 27/2/2011 IS PRODUCED

P2:-TRUE COPY OF THE AGREEMENT BETWEEN THE PETITIONER AND MR BIJU DTD 8/1/2008 TRUE COPY OF THE FINAL REPORT DTD

P3:-TRUE COPY OF THE REPLY NOTICE DTD 4/3/2011 ISSUED TO THE 2ND RESPONDENT

P4:-TRUE COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT AS ST NO 91/2012 BEFORE THE JFMC KOILANDY

P5:-TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE JFMC KUNNAMKULAM AS CMP NO 2106/2014

RESPONDENT(S)' EXHIBITS

NIL

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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O.P.(Crl) No.136 of 2015

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Dated this the 22nd day of May, 2015

J U D G M E N T

The above O.P (Crl) has been filed seeking the invocation of the visitorial jurisdiction of this Court conferred under Art.227 of the Constitution of India, with the following prayers:

“i. Issue such orders or directions to the Judicial First Class Magistrate Court-I, Koyilandy to dispose the Exhibit P4 Complaint after the Disposal of Exhibit P5 or grant sufficient time to the petitioner to Produce his defence evidence in Exhibit P4 complaint.

ii. Issue such orders or directions to the Judicial First Class Magistrate Court-Kunnamkulam to, dispose the Exhibit P5 Compliant in a time manner fixed by this honourable Court.”

2. This Court as per order dated 12.5.2015 had recorded the submission of the petitioner that he will produce copy of the application submitted by him before the Judicial First Class Magistrate's Court-I, Koyilandy, praying for permission to cite Sri.Biju as a defence witness in Ext.P-4 criminal proceedings.

3. Now it is submitted by the learned counsel for the petitioner that the court below had considered the aforementioned application made by the petitioner to cite Sri.Biju as a defence

witness in the aforementioned case and that court below has rejected the said request.

In view of this development, the O.P(Crl). is closed with liberty to the petitioner to work out his remedies in accordance with law.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge