

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

OP(Crl.).No. 246 of 2015 (Q)

**S.T.NO.2958/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THIRUVANANTHAPURAM.**

PETITIONER:

**K.SANTHOSH, AGED 44 YEARS,
S/O.K.SASIDHARAN, GOKULAM,
ELLUVILA, MELAMCODE, PAZHAKUTTY P.O,
NEDUMANGAD, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.D.SAJEEV
SMT.LIGEY ANTONY**

RESPONDENT(S):

- 1. RAJENDRA PRASAD, S/O.GOPINATHAN NAIR,
7-B, REGENCY COURT, HOSPITAL ROAD,
ERNAKULAM - 682 017.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS, ERNAKULAM - 682 031.**

**R1 BY ADVS. SRI.PRAKASH P.GEORGE
SRI.SADER E.REAZ
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE MEMORANDUM OF THE COMPLAINT FILED IN ST NO.2958 OF 2010 ON THE FILE OF THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I THIRUVANANTHAPURAM.
- P2 - TRUE COPY OF THE STATEMENT FILED UNDER SECTION 313 OF CRIMINAL PROCEDURE CODE BY THE COUNSEL APPEARING FOR AND ON BEHALF OF THE ACCUSED DATED 07.06.2012.
- P3 - TRUE COPY OF THE AFFIDAVIT DATED 21.05.2012 IN ST NO.2598 OF 2010 FILED BEFORE THE JUDICIAL FIST CLASS MAGISTRATE COURT-I THIRUVANANTHAPURAM.
- P4 - TRUE COPY OF THE COUNTER AFFIDAVIT DATED 04.06.2012 FILED IN ST NO.2958 OF 2010.
- P5 - TRUE COPY OF THE REPORT OF THE STATE FORENSIC SCIENCE LABORATORY, POLICE DEPARTMENT, GOVT. OF KERALA, THIRUVANANTHAPURAM DATED 21.06.2014 FILED IN ST NO.2958 OF 2010.
- P6 - TRUE COPY OF THE PETITION IN CMP NO.1357/2015 IN ST NO.2958/2010.
- P7 - TRUE COPY OF THE ORDER DATED 07.02.2015 IN CMP NO.1357/2015 IN ST NO.2958/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-I THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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O.P.(Crl) No. 246 of 2015

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Dated this the 11th day of December, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

2. What is under challenge is Ext.P7. It seems that through Ext.P7, the court below has ordered to send the cheque in question once again to the Forensic Science Laboratory, merely on the ground that the complainant had no objection in sending the disputed cheque for such examination.

3. Once the cheque in question was sent to the Forensic Science Laboratory and Ext.P5 report was obtained. The said report stands even now. At that time, the 1st respondent had no such demand to take note of any other matters by the Forensic Science

Laboratory. When Ext.P5 is already there, the court below is not at all justified in passing Ext.P7 order. The court below should have been vigilant in entertaining such request. The Forensic Science Laboratory is overburdened. The court below should not be treated as a play ground for entertaining such request. Ext.P7 stands quashed. The court below is directed to dispose of S.T No.2958/2010 as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

With the said direction, this original petition is disposed of.

Sd/-
B.KEMAL PASHA, JUDGE

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