

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

OP(Crl.).No. 276 of 2014 (Q)

AGAINST THE ORDER/JUDGMENT IN CC 553/2011 of JUDICIAL FIRST CLASS
MAGISTRATE-II, CHERTHALA DATED 07.11.2014

PETITIONER/ (3RD ACCUSED IN THE COURT BELOW) :

B.CLIFY OLIVERO AGED 50 YEARS
S/O.LATE STEPHEN OLIVERO, C-DALE, MOOLAMKUZHY (SOUTH)
MUNDAMVELI P.O., KOCHI-682507.

BY ADVS.SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS/ (COMPLAINANT AND ACCUSED 1 & 2 IN THE COURT BELOW) :

1. M.SHAJAHAN
S/O.AHAMMEDKUTTY, ZEENATH MANZIL, WARD NO.2
AROOKUTTY, CHERTHALA.

2. AMY EXPORTS
NUNEZ VILLA, EDAKOCHI P.O., ERNAKULAM-682010
REPRESENTED BY THE MANAGING PARTNER MAXIE FERNANDEZ
EDAKOCHI P.O., ERNAKULAM-682010.

3. MAXIE FERNANDEZ
MANAGING PARTNER, AMY EXPORTS, EDAKOCHI P.O.
ERNAKULAM-682010.

R1 BY ADV. SRI.ABDUL JALEEL.A
R1 BY ADV. SMT.M.A.SULFIA
R1 BY ADV. SRI.M.J.PAVU
R2-R3 BY ADV. SRI.ANIL S.RAJ
R2-R3 BY ADV. SMT.K.N.RAJANI
R2-R3 BY ADV. SRI.RADHIKA RAJASEKHARAN P.
R2-R3 BY ADV. SMT.ANILA PETER
R2-R3 BY ADV. SRI.J.VIVEK GEORGE

THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE COMPLAINT DATED 6.4.2011 IN C.C.NO.553/2011 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II, CHERTHALA.

EXHIBIT-P2: TRUE COPY OF THE PLAINT DATED 28.3.2012 IN O.S.NO.66/2012 PENDING BEFORE THE SUB COURT, KOCHI.

EXHIBIT-P3: TRUE COPY OF THE WITNESS LIST DATED 7.11.2014 FILED IN EXT.P1 COMPLAINT.

EXHIBIT-P4: TRUE COPY OF THE BATTA MEMO DATED 7.11.2014 FILED IN EXT.P1 COMPLAINT.

RESPONDENT(S) ' EXHIBITS:NIL

SUNIL THOMAS, J.

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Dated this the 27th day of November, 2015

JUDGMENT

When the matter is taken up, learned counsel for the petitioner submitted that the witness proposed to be examined by him can be produced on 19.12.2015. The respondents have no serious objection.

2. The submission of the learned counsel is recorded. If the witness is produced, the magistrate shall permit the examination of the witness. If the witness is not produced on that day, court below can proceed with the case by passing appropriate orders thereon. Both sides shall appear before court below on 19.12.2015.

The original petition is disposed of accordingly.

Sd/-

**SUNIL THOMAS
Judge**

Sbna