

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

OP(CrI.).No. 300 of 2014 (Q)

PETITIONER(S):

EMILY LUKOSE AGED 62 YEARS
W/O.GEORGE LUKOSE, RESIDING AT PLATHOTTAM HOUSE
ATHIRAMPUZHA P.O., KOTTAYAM - 686 562.

BY ADVS.SRI.DIPU.R
SRI.SANAL P.RAJ
SRI.DHANYA BABU
SMT.P.A.PRIYA

RESPONDENT(S):

1. SNEHA JOSE, AGED 28 YEARS
W/O.JIJU LUKOSE AND D/O.JOSE KURIAN, VEMPENY HOUSE
VETTIMUKAL P.O., ETTUMANOOR, KOTTAYAM - 686 631.
2. JOSE KURIAN, AGED 61 YEARS
S/O.LATE S.KURIAN, VEMPENY, VEMPENY HOUSE
VETTIMUKAL P.O., ETTUMANOOR, KOTTAYAM 686 631.
3. ROSAMMA T.A., AGED 61 YEARS
W/O.JOSE KURIAN, VEMPENY HOUSE
VETTIMUKAL P.O.ETTUMANOOR, KOTTAYAM - 686 631.
4. ANTO J.VEMPENY, AGED 32 YEARS
S/O.JOSE KURIAN, VEMPENY HOUSE, VETTIMUKAL P.O.
ETTUMANOOR, KOTTAYAM - 686 631.
5. SHEELAMMA MATHEW, AGED 54 YEARS
SISTER OF JOSE KURIAN, VETTUMALA HOUSE
PUNNATHARA WEST P.O., ETTUMANOOR, KOTTAYAM - 686 638.
6. SHEEN J.VEMPENY, AGED 32 YEARS
S/O.JOSE KURIAN, VEMPENY HOUSE
VETTIMUKAL P.O.ETTUMANOOR, KOTTAYAM - 686 631.
7. THANKACHAN VEMPENY, AGED 56 YEARS
BROTHER OF JOSE KURIAN, VEMPENY HOUSE, KATTACHIRA P.O.
KIDANGOOR, KOTTAYAM-686 572.
8. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R8 BY GOVERNMENT PLEADER SMT.S.HYMA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Crl.).No. 300 of 2014 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF CMP NO.7945/2013 O JFMC COURT, ETTUMANNOOR.

EXT.P-2: TRUE COPY OF THE ORDER SHEET IN CMP NO.7945/2013, BEFORE THE
JFMC COURT, ETTUMANNOOR.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**O.P (Crl) No.300 of 2014**  
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Dated this the 12th January, 2015

J U D G M E N T

The petitioner herein has brought a complaint before the Judicial First Class Magistrate Court, Ettumanoor alleging the offences under Sections 170, 380, 466, 468, 471, 474 read with 120B of Indian Penal Code and the same is pending as C.M.P. No.7945 of 2013. Her grievance is that enquiry under Section 202 of the Code of Criminal Procedure is delayed for no reason, and so she seeks a direction to the court below to expedite enquiry on her complaint. As required by the court, the learned Magistrate submitted a report regarding the things that transpired in the proceeding. This report shows that the petitioner had contributed to the delay to some extent. However, after her examination under Section 200 of Cr.P.C, the complaint was adjourned to 13.5.2014 for further enquiry under Section 202 of Cr.P.C. On that day, the learned counsel for the petitioner submitted that she has no further evidence. Accordingly, the matter was posted for hearing. By the

time, the other connected matters were referred to mediation. When the learned Magistrate took up C.M.P. No.7945 of 2013 during the process, he found the necessity of proper investigation into the allegations made in the complaint, under Section 202 of Cr.P.C. Accordingly, the learned Magistrate directed the police to make investigation under Section 202 of Cr.P.C and the C.M.P now stands posted to 22.1.2015.. In such a situation, where the learned Magistrate has ordered investigation under Section 202 of Cr.P.C, a direction for speedy or expeditious disposal cannot be now granted. After such investigation is over, the learned Magistrate will proceed further in the matter, and if enquiry or hearing is delayed, the petitioner can very well approach this Court.

With the above observations, this O.P. (CrI) is closed.

**Sd/-
P.UBAID
JUDGE**

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/True copy/
P.S to Judge