

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

RP.No. 231 of 2015 (Q) IN OP(CrI.).299/2014

**AGAINST THE JUDGMENT IN OP(CrI.) 299/2014 OF HIGH COURT OF KERALA DATED
13-02-2015**

REVIEW PETITIONER :-

**THANKAMMA ABRAHAM, AGED 54 YEARS,
W/O. K.C. ABRAHAM, PASSPORT NO. F1 1784086 NURSE,
EMPLOYED AT U.K. AT RESIDING AT WALES CORDIFF
UNITED KINGDOM REP: BY HER POWER ATTORNEY
HOLDER K.C.ABRAHAM, AGED 59 YEARS,
S/O CHANDY, KALATHARA, ERNAKULAM DISTRICT - 682314.**

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS :-

- 1. GIRISA, KUMAR, AGED 48 YEARS,
S/O. LATE T.K. PONNAPPAN. MANAGING DIRECTOR,
M/S.PARTHASARATHY PROPERTIES PVT.LTD., 35/3076 A,
1ST FLOOR, MADAMBIL BUILDINGS, THAMMANAM MAIN ROAD,
PALARIVATTOM, COCHIN - 682 025.**
- 2. MARIAMMA KURIEN, AGED 59 YEARS,
W/O. C.K. KURIEN, NIRMAL HOUSE,
CHERUMATTAPUZHAKARA PO,
VAZHAKKALA, ERNAKULAM DISTRICT, PIN - 682 020.**
- 3. KERALA STATE REP: BY ASSISTANT
PUBLIC PRPSECUTOR, ALUVA.**
- 4. THE STATION HOUSE OFFICER AND SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION - 682 020.**
- 5. THE ASSISTANT COMMISSIONER OF POLICE,
THRIKKAKARA POLICE STATION - 682 020.**
- 6. THE STATION HOUSE OFFICER AND SUB INSPECTOR
OF POLICE, PALARIVATTOM - 682 025.**

**R1 BY ADVS. SRI.O.P.SIVADAS
SRI.C.RADHAKRISHNAN
R3 TO R6 BY SMT.V.H.JASMINE, GOVERNMENT PLEADER**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Review Petition No.231 of 2015

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Dated this the 11th day of August, 2015

ORDER

The judgment of this Court dated 13.02.2015 in O.P.(Crl) No.299/2014 is sought to be reviewed mainly on the ground that the original petition was disposed of by the Court without granting sufficient opportunity to the petitioner to make submission in this Court. A complaint filed by the review petitioner before the Judicial First Class Magistrate Court, Aluva was forwarded for investigation to the Thrikkakkara Police under Section 156(3) Cr.P.C. On the said complaint, the police registered a crime, but later further action in the said crime was dropped on the ground that investigation into another crime relating to the very same incident was going on in Crime No.394/2012. Report was accordingly filed in Court. Alleging that this is a false report, the review petitioner approached the Court with an application under Section 340 Cr.P.C. That application was dismissed by the learned Magistrate on the ground that such an application cannot be entertained, when no judicial proceeding is pending. The review petitioner filed the above original petition for two reliefs. One is to

restore the complaint filed by him, and forwarded under Section 156(3) Cr.P.C., and the other is to restore the application filed under Section 340 Cr.P.C.

2. After hearing both sides, the original petition was decided on merits. As regards the complaint, this Court found that it cannot be restored or reopened. This Court has also explained the remedies available to the petitioner under the law. As regards the application under Section 340 Cr.P.C. also, this Court decided on merits that such an application cannot be entertained when there is no judicial proceeding. In short, O.P.(Crl)No.299 of 2014 was decided by this Court on merits. The learned counsel was also heard before taking decision. I find no error on the face of records, and I find no reason to review the judgment passed on 13.2.2015. A case decided on merits cannot be reviewed, when the Court does not find any error apparent on the face of the record.

In the result, this Review Petition is dismissed.

Sd/-
P.UBAID
JUDGE

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P.A. TO JUDGE