

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Tr.P(Crl.).No. 26 of 2015 ()

TRANSFER OF CRL.APPEAL NO.262 OF 2013 OF THE ADDITIONAL
SESSIONS COURT-III, KOZHIKODE TO THE ADDITIONAL SESSIONS
COURT-IV, KOZHIKODE

PETITIONERS/APPELLANTS/ACCUSED:

1. SANILDAS K., AGED 33 YEARS,
S/O.MOHANAN, SAVITHRI NIVAS, KURUKKANKUNNU,
ANAPPARA, KUNNAMANGALAM, KOZHIKODE.

2. SAJINDAS K., AGED 31 YEARS,
S/O.MOHANAN, SAVITHRI NIVAS, KURUKKANKUNNU,
ANAPPARA, KUNNAMANGALAM, KOZHIKODE.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENTS/RESPONDENTS/ACCUSED AND STATE:

1. UMEAD KUMAR SETHIA, AGED 35 YEARS,
S/O.JUGRAJ SETHIA, B-36, JAWAHAR NAGAR COLONY,
P.O.ERANHIPALAM, CALICUT - 673 006.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.

R2 BY PUBLIC PROSECUTOR SMT.SAREENA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 01-10-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

DSV/3/10/15

APPENDIX

PETITIONERS' ANNEXURES :

A1 COPY OF THE COMMON JUDGMENT DATED 26.04.2014 IN C.C.NOS.742/2011 AND 744/2011 PASSED BY THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-IV, KOZHIKODE.

A2 COPY OF THE JUDGMENT DATED 04.05.2013 IN C.C.NO.365/2012 PASSED BY THE SPECIAL JUDICIAL FIRST CLASS MAGISTRATE (MARAD CASES), KOZHIKODE.

A3 COPY OF THE APPEAL MEMORANDUM FILED BY THE 2ND PETITIONER HEREIN BEFORE THE SESSIONS COURT, KOZHIKODE AND NOW PENDING AS CRL.A.304 OF 2014 BEFORE THE HON'BLE ADDITIONAL SESSIONS COURT-IV, KOZHIKODE.

A4 COPY OF THE APPEAL MEMORANDUM FILED BY THE 2ND PETITIONER HEREIN BEFORE THE SESSIONS COURT, KOZHIKODE AND NOW PENDING CRL.A.305 OF 2014 BEFORE THE HON'BLE ADDITIONAL SESSIONS COURT-IV, KOZHIKODE.

A5 COPY OF THE APPEAL MEMORANDUM FILED BY THE 1ST PETITIONER HEREIN BEFORE THE SESSIONS COURT, KOZHIKODE AND NOW PENDING AS CRL.A.262 OF 2013 BEFORE THE HON'BLE ADDITIONAL SESSIONS COURT-III, KOZHIKODE.

A6 COPY OF THE COUNTER FILED BY THE 1ST RESPONDENT IN CRL.M.P.NO.1736 OF 2014 IN C.C.NO.742/2011 AND 744/2011 ON THE FILES OF JUDICIAL MAGISTRATE OF THE 1ST CLASS-1, KOZHIKODE.

A7 COPY OF THE ORDER DATED 26.03.2014 IN CRL.M.P.NO.1736 OF 2014 IN C.C.NO.742/2011 AND 744/2011 ON THE FILES OF JUDICIAL MAGISTRATE OF THE 1ST CLASS-I, KOZHIKODE.

A8 COPY OF THE APPLICATION FILED BY THE 2ND PETITIONER TO RECEIVE THE DOCUMENTS UNDER SECTION 391 OF CR.P.C. AS CMP NO.4216 OF 2014 IN CRL.A.NO.304/2014.

A9 COPY OF THE APPLICATION FILED BY THE 1ST PETITIONER TO RECEIVE THE DOCUMENTS UNDER SECTION 391 OF CR.P.C. AS CMP NO.3904 OF 2014 IN CRL.A.NO.262/2013.

A10 COPY OF THE COUNTER STATEMENT IN CMP.4216/2014 BEFORE THE SESSIONS COURT FILED BY THE 1ST RESPONDENT IN CRL.A.NO.304/2014.

A11 COPY OF THE COUNTER STATEMENT IN CMP.3904/2014 BEFORE THE SESSIONS COURT FILED BY THE 1ST RESPONDENT IN CRL.A.NO.262/2013.

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A12 COPIES OF THE SET OF SIGNED BLANK PAPERS SEIZED BY
NADAKKAVU POLICE FROM THE 1ST RESPONDENT.

A13 COPIES OF THE 6 CHEQUE LEAVES SEIZED BY NADAKKAVU POLICE
FROM THE 1ST RESPONDENT.

A14 COPY OF THE TITLE DOCUMENT DATED 13.07.2007 OF THE
PETITIONERS' FATHER SEIZED BY NADAKKAVU POLICE FROM THE 1ST
RESPONDENT.

A15 COPY OF THE COMPOUNDING APPLICATION PREPARED AND SIGNED
BY THE PARTIES IN CRL.APPEAL NO.304 OF 2014.

A16 COPY OF THE COMPOUNDING APPLICATION PREPARED AND SIGNED
BY THE PARTIES IN CRL.APPEAL NO.305/2014.

A17 COPY OF THE COMPOUNDING APPLICATION PREPARED AND SIGNED
BY THE PARTIES IN CRL.APPEAL NO.262 OF 2013.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/3/10/15

B.KEMAL PASHA, J.

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Tr.P.(Crl).No. 26 of 2015

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Dated this the 1st day of October, 2015

ORDER

Heard the learned counsel for the petitioners.

2. On going through the matter and on hearing the learned counsel for the petitioners, this Court is satisfied that it is just and convenient in the interest of justice to transfer Crl.Appeal No.262 of 2013 of the Additional Sessions Court-III, Kozhikode to the Additional Sessions Court-IV, Kozhikode, where Crl.Appeal No.304 and 2014 and Crl.Appeal No.305 of 2014 are pending.

This Transfer Petition (Criminal) is allowed as above.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/1/10/15

// True Copy //

P.A. To Judge