

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 8478 of 2015 (H)

PETITIONER(S) :

**C.A.GEORGE, AGED 58 YEARS,
S/O.LATE C.A.ANTONY, RESIDING AT CHAKKALAKKAL HOUSE,
CHERANELLORE, SOUTH CHITTOOR P.O- 682 027.**

BY ADV. SMT.P.RANI DIOTHIMA

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. SUB DIVISIONAL MAGISTRATE,
FORT KOCHI, KOCHI-682 001.**
- 3. VILLAGE OFFICER,
CHERANELLORE VILLAGE OFFICE, CHERANELLORE,
KOCHI-682 027.**
- 4. SUB INSPECTOR OF POLICE,
CHERANELLORE POLICE STATION,
CHERANELLORE-682 027.**
- 5. SMT.SISY SEBASTIAN, W/O.SEBASTIAN,
CHAKALAKKAL HOUSE, SOUTH CHITTOOR, P.O- 682 027.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R5 BY ADV. SRI.C.K.PAVITHRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 18.05.2013 ISSUED BY
THE 2ND RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER
DATED 04.07.2013.**

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 03.08.2013 IN M.C.NO.37/13D
(D-1466/13) ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE REVISION PETITION FILED BY
THE PETITIONER BEFORE THE HONOURABLE DISTRICT AND
SESSIONS COURT, ERNAKULAM (CRL.R.P.81 OF 2013).**

**EXHIBIT P5: TRUE COPY OF THE ORDER OF DISTRICT AND SESSIONS COURT,
ERNAKULAM IN CRL.R.P.NO.81 OF 2013 DATED 25.07.2014.**

**EXHIBIT P6: TRUE COPY OF THE PEREMPTORY ORDER DATED 10.02.2015 IN
M.C.NO.37/13/D (D-1466/13) ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 8478 of 2015

=====

Dated this the 10th day of September, 2015

J U D G M E N T

The petitioner aggrieved by Ext.P6 order of the Sub Divisional Magistrate, Fortkochi has approached this Court. In fact originally, the proceedings were initiated u/s 133 of the Cr.P.C and the order was passed by the Sub Divisional Magistrate as per Ext.P1. This was made absolute as per Ext.P3 proceedings. Thereafter, this was challenged before the District Court in CrI.R.P No.81 of 2013 by the petitioner herein. This was remanded back to the Sub Divisional Magistrate for reconsideration. It appears that without noting the directions in the Ext.P5, Ext.P6 was issued.

2. In that view of the matter, Ext.P6 is set aside. There shall be a direction to the Sub Divisional Magistrate to consider the matter afresh in the light of Ext.P5. The parties shall appear before the Sub Divisional Magistrate on 22.9.2015.

The writ petition is disposed of as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

