

T.M.Mathew Vs. State of Kerala

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Court : Kerala

Decided On : Nov-06-2013

Judge : Honourable Mr.Justice Harun-Ul-Rashid

Appellant : T.M.Mathew

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID WEDNESDAY, THE 6TH DAY OF NOVEMBER 2013 15TH KARTHIKA, 1935 CrI.MC.No. 4659 of 2013 ()
----- AGAINST THE

ORDER

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JUDGMENT

IN CC482008 of ENQUIRY COMMR.& SPL.JUDGE, THRISSUR PETITIONERS/ACCUSED NO.1 TO 6:- -----

1. T.M.MATHEW, SON OF MATHAI, ARANJANY HOUSE, KUNDUKADU P.O., THRISSUR - 680 631.

2. DR.PHILIP POULOSE, SON OF POULOSE, PALACHUVATTUPUTHENPURAYIL HOUSE, KUNDUKADU P.O., THRISSUR - 680 631.

3. V.P.JOSEPH, SON OF PURAVATH, VELLATHADATHIL HOUSE, KUNDUKADU P.O., THRISSUR - 680 631.

4. N.A.PAULOSE, SON OF AUGUSTHY, NEDUVELIL HOUSE, KUNDUKADU P.O., THRISSUR - 680 631.

5. P.G.JOSEPH, SON OF GEORGE, POOKKATTUCHALIL HOUSE, KUNDUKADU P.O., THRISSUR - 680 631.

6. P.A.JOSEPH, SON OF ANTONY, POOKKATTUCHALIL HOUSE, KUNDUKADU P.O., THRISSUR - 680 631. BY ADV. SRI.C.P.SAJI
RESPONDENTS/COMPLAINANT/STATE:-

----- 1. STATE OF KERALA, REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI-CORRUPTION BUREAU, THRISSUR, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

2. MOLLY JACOB U., HIGH SCHOOL ASSISTANT, PHYSICS TEACHER, NIRMALA HIGH SCHOOL, KUNDUKADU P.O., THRISSUR - 680 631. CrI.MC.No. 4659 of 2013 () 3. JAISON MATHEW A., HIGH SCHOOL ASSISTANT, PHYSICS TEACHER, NIRMALA HIGH SCHOOL, KUNDUKADU P.O., THRISSUR - 680 631.

4. SHINY M.L., HIGH SCHOOL ASSISTANT, PHYSICS TEACHER, NIRMALA HIGH SCHOOL, KUNDUKADU P.O., THRISSUR - 680 631.

5. JAYA JOHN, HIGH SCHOOL ASSISTANT, PHYSICS TEACHER, NIRMALA HIGH SCHOOL, KUNDUKADU P.O. THRISSUR - 680 631.

6. MATHEW DAVIS, HIGH SCHOOL ASSISTANT, PHYSICS TEACHER, NIRMALA HIGH SCHOOL, KUNDUKADU P.O. THRISSUR - 680 631. R1 BY PUBLIC PROSECUTOR SRI RAJESH VIJAYAN R2 -R6 BY ADV. SRI.T.A.THOMAS THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON0611-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 4659 of 2013 () ----- APPENDIX

PETITIONER(S)' EXHIBITS ----- ANNEXURE A1. TRUE COPY OF THE F.I.R.NO.7/2006 REGISTERED BEFORE THE HON'BLE COURT OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR DATED 04.10.2006. ANNEXURE A2. TRUE COPY OF THE RELEVANT PAGES OF THE INSPECTION BOOK VOLUME II NIRMALA HIGH SCHOOL, KUNDUKAD FROM THE YEARS 2001-2002. ANNEXURE A3. CERTIFIED COPY OF THE CHARGE SHEET DATED 20.11.2008 IN C.C.NO.48/2008 OF THE COURT OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR. ANNEXURE A4. ORIGINAL JOINT AFFIDAVIT SIGNED BY THE RESPONDENTS 2 TO 6 DATED 30.09.2013. ANNEXURE A5. TRUE COPY OF THE COMMON

JUDGMENT

DATED 02.06.2004 IN CRL.APPEAL NO.885, 886 AND 887 OF 1998 OF THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM. RESPONDENT(S)' EXHIBITS: NIL ----- /TRUE COPY/ P.A TO JUDGE LSN HARUN-UL-RASHID, J.

----- Crl. M.C No.4659 of 2013 ----- Dated this the 06th day of November, 2013.

ORDER

The petitioners are the accused Nos. 1 to 6 in C C No. 48/2008 on the file of the Enquiry Commissioner and Special Judge, Thrissur. The offences alleged are punishable under Section 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act and Section 409, 477(A) and 120(B) of Indian Penal Code. The Crl.M.C is filed seeking to quash Annexure- A3 charge sheet.

2. The petitioners are the Managing Committee members of Nirmala High School, Kundukad, Thrissur. According to the petitioners, the F.I.R and the charge sheet will not serve any purpose except the unnecessary harassment of the petitioners and tarnishing their image among the public. It is submitted that the final report does not disclose the commission of any cognizable offence punishable under IPC or any of the provisions of the Prevention of Corruption Act. It is submitted that the

charge sheet was laid against the petitioners without conducting any proper investigation. I have perused the materials on record produced at this stage. CrI. M.C No.4659 of 2013 2 CrI.M.C is disposed of directing the Enquiry Commissioner and Special Judge, Thrissur to dispose of the application for discharge under Section 482 of Cr.P.C in the event of the petitioners filing such an application within a period of fifteen days from today. The learned Magistrate shall hear and dispose of the application as early as possible at any rate within a period of three months from the date of filing application. Considering the age of the accused, their personal appearance is dispensed with except in case their personal presence is absolutely necessary. HARUN-UL-RASHID, JUDGE. Isn

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