

Manjusha Vs. State of Kerala

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Court : Kerala

Decided On : Nov-06-2013

Judge : Honourable Mr.Justice Harun-Ul-Rashid

Appellant : Manjusha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID WEDNESDAY, THE6H DAY OF NOVEMBER201315TH KARTHIKA, 1935 CrI.MC.No. 4898 of 2013 ()
----- AGAINST THE

ORDER

/

JUDGMENT

IN CC20732013 of J.M.F.C.,CHAVAKKAD DATED CRIME NO. 10/2013 OF GURUVAYOOR POLICE STATION , TRISSUR PETITIONER(S)/4TH ACCUSED:
----- MANJUSHA T.R., AGED33YEARS, THEKKENALUVAZHI, N.PARAVOOR, ERNAKULAM DISTRICT. W/O RENJITH NOW RESIDING AT MANATHIL HOUSE, KANDANASSERY P.O., THRISSUR DISTRICT, PINCODE:680 102. BY ADVS.SRI.V.A.PRADEEP KUMAR SMT.JENNY THANKAM RESPONDENTS/ STATE/DE FACTO

COMPLAINANT(S)/ACCUSED1TO3 ----- 1.
STATE OF KERALA, REPRESENTED BY S.I. OF POLICE, GURUVAYUR
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. DR.VIJAYABHANU, S/O JENARDHANAN, 2 M TEMPLE TERRACE SFS
SKYLINE FOUNDATION SCHEME MAVINCHODU, THYKADU P.O., PIN
CODE:680 104 GURUVAYUR.

3. DR.RADHAKRISHNAN, CHAIRMAN, SANTHIMADOM BUILDERS, SOUTH
NALUAZHY, NORTH PARAVUR, ERNAKULAM DISTRICT.

4. RAMANI RADHAKRISHNAN, W/O RADHAKRISHNAN, SANTHIMADOM
BUILDERS, SOUTH NALUVAZY, NORTH PARAVUR.

5. RAGESH MANU, S/O RADHAKRISHNAN SANTHIMADOM BUILDERS,
SOUTH NALUVAZHI, N.PARUR. R1 BY PUBLIC PROSECUTOR SMT S HYMA
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON0611-
2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No.
4898 of 2013 () ----- APPENDIX PETITIONER(S)' EXHIBITS
----- ANNEXURE A1: TRUE COPY OF PRIVATE
COMPLAINT FILED BY THE DE-FACTO COMPLAINANT BEFORE THE JFCM-I,
CHAVAKKAD. ANNEXURE A2: TRUE COPY OF FIRST INFORMATION
REPORT IN CRIME NO.10/2013. ANNEXURE A3: TRUE COPY OF THE
CHARGE SHEET IN CRIME NO.10/2013 IN C.C.NO.2073/13. ANNEXURE A4:
TRUE COPY OF THE TRUST DEED OF THE3D RESPONDENT. ANNEXURE
A5: TRUE COPY OF THE STATEMENT OF THE DEFACTO COMPLAINANT
BEFORE THE INSPECTOR OF POLICE, GURUVAYOOR DATED NIL.
RESPONDENT(S)' EXHIBITS: NIL ----- /TRUE COPY/
P.A TO JUDGE LSN HARUN-UL-RASHID, J.

----- CrI.M.C No. 4898 of 2013 ----- Dated this
the 06th day of November, 2013.

ORDER

The petitioner is the fifth accused in CC No. 2073/13 on the file of the Judicial First Class Magistrate Court-I, Chavakkad. The offences alleged are punishable under Sections 417, 418, 420 r/w 34 of IPC. The Crl.M.C is filed seeking to quash Annexure-A3 charge.

2. It is submitted that the petitioner is not the trustee of the Santhimadom Builders and that he was only the employee. It is also submitted that the petitioner has not received any amount from the de facto complainant and no document was executed by the petitioner in favour of the second respondent. It is contended that the second respondent has falsely implicated the petitioner as accused No. 5 without any materials.

3. On perusal of the records, this Court is not inclined to examine the case on merits at this stage. The Crl.M.C is disposed of directing the petitioner to file application for discharge at the appropriate stage, in the event of filing application as aforesaid, the learned Magistrate shall consider the matter and dispose of the same within a period of three months from the date of filing the application for discharge. Crl.M.C No. 4898 of 2013 2 The personal appearance for the petitioner is dispensed with till the disposal of the discharge application. HARUN-UL-RASHID, JUDGE. Isn

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