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SofiA.A.S Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1102137

Court : Kerala

Decided On : Jan-02-2014

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : SofiA.A.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE2D DAY OF JANUARY201412TH POUSHA, 1935 Crl.MC.No. 6335 of 2013 () ---------- CRL.MC642012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOCHI ---------- PETITIONER/COMPLAINANT : ---------- SOFIA.A.S, D/O.LATE A.S.SHERIFF, HOUSE NO.4/502A, OODATHUPARAMBIL, KARIPALAM ROAD, KOCHI - 682 002 BY ADV. SRI.PRAKASH KESAVAN RESPONDENTS/COMPLAINANTS : ---------- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA - 682031.

2. NAVAS T.M, S/O.T.A.MAMU, HOUSE NO.4/564, KOMBARAMUKKU KOCHI - 682 002 3. T.A.MAMU, HOUSE NO.4/564, KOMBARAMUKKU, KOCHI - 682 002 4. NASEEMA, W/O.T.A.MAMU, HOUSE NO.4/564, KOMBARAMUKKU, KOCHI - 682 002 5. YUSUF T.A, THAIPARAMBIL HOUSE, HOUSE NO.3/210, ERAVELI COLONY KOCHI - 682 001 R1 BY PUBLIC PROSECUTOR SRI.DHANESH

MATHEW THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON0201-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP Crl.MC.No. 6335 of 2013 () ---------- APPENDIX PETITIONER(S)' EXHIBITS : ---------- ANNEXURE-A1: A TRUE PHOTO COPY OF THE CRL.MC642012 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KOCHI. RESPONDENT(S)' EXHIBITS : NIL. ---------- //TRUE COPY// P.A. TO JUDGE BP P.BHAVADASAN, J.

- Crl.M.C. No.6335 of 2013 - Dated this the 02nd day of January, 2014

ORDER

Though the number shown in the memorandum is M.C.No. 64 of 2012, as per the report of the Judicial First Class Magistrate's Court-II, the correct number of the case is M.C.No. 62/2012.

2. The grievance in the petition seems to be that the learned Magistrate, before whom the M.C. No. 62 of 2012 was filed, has done nothing in the matter for about 18 months and has not passed any order as the evidence was not sufficient in the matter.

3. In the light of the statements contained in the petition, this Court called for a report from the learned Magistrate concerned.

4. One is sorry to note that the statements contained in the petition are quite contrary to facts. The report of the learned Magistrate shows that he has passed an interim Crl.M.C. No.6335/2013 -2- order granting maintenance to the petitioner before the said court. That order was carried in appeal and the appellate court passed an interim stay of all further proceedings precluding the Judicial First Class Magistrate Court concerned from proceeding with the matter. It is also seen from the report that the parties sought for mediation and the matter was sent for mediation, but the mediation talk failed. Thereafter, since the stay continued, the Judicial First Class Magistrate concerned could not proceed with the matter. The report also shows that the appellate court set aside the order of the Judicial First

Class Magistrate court concerned and remanded the matter for fresh disposal with a direction to give an opportunity to the appellant in Crl. Appeal to be heard. On receipt of records from the appellate court on 18.12.2013, the learned Magistrate has issued notice to the parties to appear before the court on 18.02.2014.

5. The allegations in the petition is therefore untrue and are false. The learned Magistrate have taken all steps Crl.M.C. No.6335/2013 -3- as are possible within its province to proceed with the matter. If he could not proceed with the matter at that stage, he could not be found fault with. This petition is without any merits and is accordingly dismissed. Sd/- P.BHAVADASAN JUDGE ds

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