

Salim Babu Vs. State

Salim Babu Vs. State

SooperKanoon Citation : sooperkanoon.com/1159499

Court : Kerala

Decided On : Jul-31-2014

Judge : Honourable Mr. Justice a.Hariprasad

Appellant : Salim Babu

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE
HONOURABLE MR. JUSTICE A.HARIPRASAD THURSDAY, THE 31ST DAY OF
JULY 2014 9TH SRAVANA, 1936 CrI.MC.No. 3974 of 2013
----- AGAINST THE

ORDER

IN CRL.RP252011 ADDITIONAL SESSIONS COURT-I,MAVELIKKARA AGAINST
THE

ORDER

IN CMP23222011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KAYAMKULAM ----- PETITIONER/COMPLAINANT :
----- SALIM BABU, AGED 43 YEARS, S/O. POOKUNJU,
KANJIRATHIL VEETIL, CHERAVALLY MURI, KAYAMKULAM VILLAGE,
WORKING AS SUB DIVISIONAL ENGINEERING AT BSNL. BY
ADVS.SRI.P.K.IBRAHIM SMT.K.P.AMBIKA SMT.A.A.SHIBI

RESPONDENTS/STATE & ACCUSED : ----- 1.
STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM.

2. SUKUMARA PILLAI, AGED 58 YEARS, FORMER DIVISIONAL ENGINEER OF
BSNL, KAYAMKULAM PRESENTLY WORKING AS AGM(ADMN.) BSNL,
ALAPPUZHA.

3. NATARAJAN, AGED 58 YEARS, GENERAL MANAGER, BSNL, ALAPPUZHA.

4. S.A.WARRIOR, AGED 59 YEARS, DGM(CFA) BSNL, ALAPPUZHA.

5. PANKAJAM, AGED 55 YEARS, SUB DIVISIONAL ENGINEER, BSNL,
MUTHUKULAM.

6. M.K.ANITHA , AGED 52 YEARS, SUB DIVISIONAL ENGINEER, BSNL,
PULLUKULANGARA. PJ2/- ..2.. CrI.MC.No. 3974 of 2013

----- 7. PRADEEP, AGED 42 YEARS, SUB DIVISIONAL
ENGINEER, BSNL, KAYAMKULAM. R1 BY PUBLIC PROSECUTOR
SRI.N.SURESH R2-R7 BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL THIS
CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31-07-2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ CrI.MC.No. 3974 of
2013 ----- APPENDIX PETITIONER(S)' ANNEXURES

----- ANNEXURE A1 : COPY OF THE PRIVATE
COMPLAINT ALONG WITH THE DOCUMENTS. ANNEXURE A2 : COPIES OF
THE STATEMENT OF THE PETITIONER WITH ITS READABLE COPY.
ANNEXURE A3 : STATEMENT OF THE WITNESSES 1 TO 4 ANNEXURE A4 :
COPY OF THE

ORDER

DTD.6.8.2011 CMP NO.2322/2011 OF THE JUDICIAL FIRST CLASS
MAGISTRATE, KAYAMKULAM. ANNEXURE A5 : CERTIFIED COPY OF THE

ORDER

DTD.25.7.2013 IN CRIMINAL RP NO.25/2011 OF THE ADDITIONAL SESSION'S
JUDGE, MEVELIKKARA. RESPONDENT(S)' ANNEXURE

----- NIL. / TRUE COPY / P.S. TO JUDGE PJ
A.HARIPRASAD, J.

----- CrI.M.C No.3974 of 2013
----- Dated this the 31st day of July, 2014.

ORDER

Petition filed under Section 482 Cr.P.C. Petitioner is aggrieved by Annexures A4 and A5 orders passed by learned Magistrate and learned Additional Sessions Judge respectively. The petitioner approached the learned Magistrate with a complaint alleging offences against the accused punishable under Sections 465, 468, 471 and 120(b) r/w Section 34 I.P.C.

2. Allegations raised in the complaint, in short, are as follows : The petitioner was working as Sub Division Engineer in B.S.N.L. Accused 1 to 3 are his Superior Officers. Accused 4 to 6 are his colleagues in his office. The complaint raised by the petitioner against the accused is relating to his transfer and initiation of disciplinary proceedings against him. Learned counsel for the petitioner contended that the first accused conspiring with other accused persons forged certain documents CrI.M.C No.3974 of 2013 2 and initiated disciplinary proceedings against him alleging in subordination and derision of duty. The petitioner was transferred to Sub Division, Pullukulangara while he was working at Kayamkulam. According to the petitioner, the transfer was effected out of enmity of the first accused. The petitioner contended that the accused persons conspired together and created false document to wreck vengeance against him.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents 2 to 7. Learned Public Prosecutor is also heard.

4. Learned Magistrate as per Annexure A4 order considered the case of the petitioner/complainant elaborately. The court below has considered the evidence adduced at the time of taking sworn statement. The trial court found that no offences under Sections 465, 468, 471 and 120(b) r/w Section 34 I.P.C were made out from the complaint and hence it was dismissed under Section 203 Cr.P.C.

Crl.M.C No.3974 of 2013 3 5. The petitioner challenged the order in a criminal revision before the learned Additional Sessions Judge. As per Annexure A5 order, the learned Sessions Judge reconsidered the issue with reference to the evidence adduced by the complainant. After analysis of the entire matter, the learned Additional Sessions Judge also found that the dispute raised by the petitioner is purely a service matter which could have been agitated in appropriate forums. After hearing the learned counsel on both sides and after perusing the impugned orders and records, I am of the view that the impugned orders are legally correct and no interference is warranted thereunder. In the result, Crl.M.C is dismissed. All pending interlocutory applications will stand dismissed. A.HARIPRASAD, JUDGE.
amk

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com