

Jolly vs Akash

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Court : Kerala Orders

Decided On : Jun-26-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Crl.MC/4542/2023

Appellant : JOLLY

Respondent : AKASH

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 26TH DAY OF JUNE 2023 / 5TH ASHADHA, 1945 CRL.MC NO. 4542 OF 2023 CC 1156/2017 OF JUDICIAL FIRST CLASS MAGISTRATE-I, KOTHAMANGALAM(TEMPORARY) CRIME NO.233/2014 OF KOTHAMANGALAM POLICE STATION PETITIONER/ACCUSED: JOLLY AGED 53 YEARS S/O ABRAHAM, VETTICHIRA HOUSE, KEERAMPARA P.O, KOTHAMANGALAM, PUNNEKADU, ERNAKULAM, PIN - 686691 BY ADVS. A.C.DEVY K.R.RAMISH RESPONDENTS/COMPLAINANT & STATE: 1 AKASH AGED 23 YEARS S/O ELDHOSE, PUTHENKANDATHIL HOUSE, PARADU

BHAGAM, PUNNEKKADU, KEERAMPARA, ERNAKULAM DISTRICT, PIN - 686681 2 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 SRI. VIPIN NARAYAN, SR. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26.06.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C No.4542 of 2023 2

ORDER

This petition is filed seeking to quash all further proceedings in CC No.1156 of 2017 on the files of the Judicial First Class Magistrate-I, Kothamangalam.

2. When the matter had come up for consideration on 12.6.2023, the following order was passed.

Adv. A.C. Devy, the learned counsel, submits that all further proceedings in S.C. No.950 of 2016 on the files of the Additional District and Sessions Court, Ernakulam, which has arisen from Crime No.233 of 2014 of the Kothamangalam Police station, was quashed by this Court by order dated 08.09.2017 in Crl.M.C. No.4870/2017 as is evidenced from Annexure-1 order. According to the learned counsel, without taking note of the above aspect, by order dated 26.09.2017, the case was made over to the learned Magistrate. No such exercise could have been carried out in view of Annexure-1 order, contends the learned counsel. The Registry is directed to obtain a report from the Judicial

Magistrate of First Class-I, Kothamangalam, as to whether the order

dated 08.09.2017 in Crl. M.C. No.4870/2017 was brought to the notice of the said court.

3. The report of the learned Magistrate is placed before this Court by the Registry. The said report reads thus: .. It is most respectfully submitted that I joined the

service on 4.4.2023 and on 20.5.2023 was transferred from JFCM-II, Kothamangalam to JFCM-I, Kothamangalam. Hence the aforesaid order was brought to my notice only on 19.6.2023. It is most respectfully submitted that on 20.6.2023, i.e., on the next day of the receipt of the order in Crl.M.C.No.4542/2023 dated 12.6.2023, I suo moto advanced the case C.C.No.1156/2017 pending against the accused and in the light of the order in Crl. M.C.No.4870/2017, I have closed the case pending against the accused as quashed by the Honble High Court.

In that view of the matter, the petitioner can have no further grievance. This petition is closed. Sd/- RAJA VIJAYARAGHAVAN V, JUDGE IAP Crl.M.C No.4542 of 2023 4 APPENDIX OF CRL.MC 4542/2023 PETITIONERS ANNEXURES: Annexure1 A TRUE COPY OF THE ORDER IN CRL. M C NO. Annexure2 A TRUE CERTIFIED COPY OF THE PROCEEDINGS IN C C NO.1156/2017 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOTHAMANGALAM

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