

Thulasibhai vs Mohanan

Thulasibhai vs Mohanan

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Court : Kerala

Decided On : Apr-05-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(Crl.)/27/2021

Appellant : Thulasibhai

Respondent : Mohanan

Judgement :

OP(CRL.) NO. 27 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 5TH DAY OF APRIL 2022 / 15TH CHAITHRA, 1944
OP(CRL.) NO. 27 OF 2021 AGAINST THE ORDER IN CRL.M.P
4584/2017 OF CHIEF JUDICIAL MAGISTRATE ,THRISSUR
PETITIONER/RESPONDENT: THULASIBHAI, AGED 51 YEARS
W/O.MOHANAN, KALAVICHIRATHIL HOUSE, NJERUVISSERY,
ARATTUPUZHA P.O., THRISSUR DISTRICT, PIN - 680 562
PRESENTLY RESIDING AT KALAVICHIRATHIL HOUSE,
PORUTHUSSERY, IRINJALAKUDA NORTH, PORUTHUSSERY P.O.,
THRISSUR, PIN 680 125. BY ADV RANJITH XAVIER RESPONDENT/S:

MOHANAN, AGED 62 YEARS S/O.KUNJUNNI NAIR, RESIDING AT KALAVICHIRATHIL HOUSE, NJERUVISSERY, ARATTUPUZHA P.O., THRISSUR DISTRICT, PIN - 680 562. BY ADVS. SRI.VINOD RAVINDRANATH SMT.MEENA.A. SMT.M.R.MINI SRI.K.C.KIRAN SRI.M.DEVESH SHRI.ANISH ANTONY ANATHAZHATH SRI.ASHWIN SATHYANATH SHRI.THAREEQ ANVER SMT T V NEEMA -SR PP THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 05.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(CRL.) NO. 27 OF 2021 2

J U D G M E N T

This Original Petition has been filed challenging Ext.P1

order passed by the Chief Judicial Magistrate Court, Thrissur

under Section 20(3) and (6) of the Mental Healthcare Act, 1987.

2. The impugned order is appealable under Section 49 of

the Mental Healthcare Act, 1987. Hence, this Original Petition is not maintainable. Accordingly, this Original Petition is dismissed with liberty to the petitioner to approach the Appellate Forum.

3. The learned counsel for the petitioner submitted that it

is under the bonafide belief, the petitioner approached this Court. Hence, the delay in filing the appeal shall be condoned by the Appellate Forum, if the petitioner files appeal within one week from today. Till the appeal is filed, the order of the Chief Judicial Magistrate Court, Thrissur shall be kept in abeyance. Sd/- DR.KAUSER EDAPPAGATH JUDGE ab OP(CRL.) NO. 27 OF 2021 3 APPENDIX OF OP(CRL.) 27/2021 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE RECEPTION ORDER DATED THE FILES OF CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR. EXHIBIT P2 TRUE COPY OF LETTER OF THE DISTRICT

LEGAL SERVICES AUTHORITY, THRISSUR TO SUPERINTENDENT,
GOVERNMENT MENTAL HEALTH CENTRE, THRISSUR DATED 01/10/2016.
EXHIBIT P3 TRUE COPY OF THE PETITION FOR RECEPTION

ORDER FILED BY THE RESPONDENT.

EXHIBIT P4 TRUE COPY OF DEPOSITION OF CW1. EXHIBIT P5

REPORT DATED 18/09/2019 FROM GOVERNMENT MEDICAL COLLEGE,
THRISSUR. Exhibit P10 TRUE COPY OF THE SSLC CERTIFICATE SHOWING
MARKS OBTAINED BY GOURI MOHAN IN SSLC EXAM. Exhibit P11 TRUE
COPY OF CONDUCT CERTIFICATE DATED 02.07.2020 ISSUED BY THE
HEADMASTER, HOLY CROSS HIGHER SECONDARY SCHOOL, MAPRANAM
TO GOURI MOHAN. Exhibit P12 TRUE COPY OF CERTIFICATE OF
PARTICIPATION ISSUED TO GOURI MOHAN BY THE MINISTRY OF
CULTURE. Exhibit P13 TRUE COPY OF THE CERTIFICATE DATED

09.08.2021 ISSUED BY THE HEADMASTER OF SPKCMMG UPPER PRIMARY
SCHOOL, MADAYIUKONAM CERTIFYING PARTICIPATION OF GOUTHAM
MOHAN IN U.S.S. SCHOLARSHIP EXAM AND REGARDING CONDUCT. Exhibit
P14 TRUE COPY OF THE ORDER O.P.NO. 488-489/PA/2017 DATED
16.09.2017 OF THE CHILD WELFARE COMMITTEE, THRISSUR. Exhibit P15
TRUE COPY OF MEDIATION AGREEMENT DATED 24.11.2018 BETWEEN THE
PETITIONER AND THE RESPONDENT IN RESPECT OF OP NO.1800/2017
BEFORE THE FAMILY COURT, THRISSUR. OP(CRL.) NO. 27 OF 2021 4
RESPONDENTS EXHIBITS: EXT.R1: COPY OF THE ORDER DATED 6.8.2020
IN B.A NO.2215/2020

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