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Ummerkoya, vs the State of Kerala,

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Court : Kerala Orders

Decided On : Jan-22-2019

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Crl.MC/507/2019

Appellant : Ummerkoya,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 22ND DAY OF JANUARY 2019 / 2ND MAGHA, 1940 Crl.MC.No. 507 of 2019 CC 2/2015 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, PERINTHALMANNA CRIME NO. 552/2014 OF Wandoor Police Station, Malappuram PETITIONER/ACCUSED NO.3: UMMERKOYA, AGED 45 YEARS, THALAKOTUPURATH, PUNNPALA, WANDOOR, MALAPPURAM DISTRICT. BY ADV. SRI.K.RAKESH RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-

682031. 2 AYSHABI, W/O ALAVIKUTTY, AYYANIYIL HOUSE, PUNNAPALA, KALLAMPALI, WANDOOR, MALAPPURAM DISTRICT-679328. SRI T R RENJITH, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.01.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.MC.No. 507 of 2019 2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

2. It appears that the challenge is essentially against the order

passed by the learned Magistrate arraigning the petitioner herein as an accused in the course of trial, invoking the power under Section 319 of the Cr.P.C. However, it appears that the petitioner has not produced the copy of the order passed by the learned Magistrate. Without considering the said order, it would not be possible for this Court to consider the various contentions which are now raised by the learned counsel.

Without prejudice to the right of the petitioner herein to challenge the order, which is impugned under Section 319 of Cr.P.C., this petition is dismissed. SD/- RAJA VIJAYARAGHAVAN V., JUDGE DSV/- //TRUE COPY// P.A. TO JUDGE Crl.MC.No. 507 of 2019 3 APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF THE F.I.R AND F.I.S. IN CRIME NO.552/2014 OF WANDOOR POLICE STATION DATED 8.12.2014. ANNEXURE B TRUE COPY OF THE FINAL REPORT IN CRIME NO.552/2014 OF WANDOOR POLICE STATION ANNEXURE C TRUE COPY OF THE WOUND CERTIFICATE DATED 8.12.2014 ISSUED FROM COMMUNITY HEALTH CENTER, WANDOOR. ANNEXURE D TRUE COPY OF THE DEPOSITION OF PW1 IN CC.2/2015 ON THE FILES J.F.C.M.-I, PERINTHALMANNA. RESPONDENT'S/S EXHIBITS: NIL //TRUE COPY// P.A.TO JUDGE

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