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Lesley Daniel vs State of Kerala

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Court : Kerala Orders

Decided On : Oct-18-2019

Judge : Honourable Mr. Justice Alexander Thomas

Appeal No. : Crl.MC/2662/2018

Appellant : Lesley Daniel

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS FRIDAY, THE 18TH DAY OF OCTOBER 2019 / 26TH ASWINA, 1941 CRL.MC.NO.2662 OF 2018 CRIME NO.3818/2017 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA PETITIONERS/ACCUSED 1 TO 3:

1 LESLEY DANIEL AGED 60, S/O.M.T.DANIEL, KODINJINAL, MYLAPRA TOWN P.O., MYLAPRA VILLAGE, KONNI TALUK, PATHANAMTHITTA. 2 STANLEY DANIEL AGED 55, S/O.M.T.DANIEL, KODINJINAL, MYLAPRA TOWN P.O.,MYLAPRA VILLAGE, KONNI TALUK, PATHANAMTHITTA. 3 SANTHEN DANIEL AGED 55,

W/O.LESLEY DANIEL, KODINJINAL, MYLAPRA TOWN P.O.,MYLAPRA VILLAGE, KONNI TALUK, BY ADV. SRI.NANDAGOPAL S.KURUP RESPONDENT/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682018. 2 SHERLY GEORGE AGED 62 YEARS, W/O.V.C.GEORGE, VALEL VEEDU, KALATHIPADI, VIJAYAPURAM, KOTTAYAM-686507. SRI.AMJAD ALI, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18.10.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

Crl.M.C. No. 2662 of 2018 Dated this the 18th day of October, 2019

ORDER

Sri.Nandagopal S.Kurup, learned counsel appearing for the petitioners would submit on the basis of instructions of his parties that leave may be granted to withdraw this Crl.M.C. with liberty to file a fresh petition under Sec.482 of the Cr.P.C., so as to not only challenge the present impugned FIR but also the final report/charge sheet in this case, which has been filed by the police during the pendency of this Crl.M.C. Liberty is accorded to the petitioners to work out their remedies in the manner known to law. Further it is ordered that, the Registry will return back certified copy of Anx.A2 FIR to the petitioners' counsel, if a request in that regard is made. However, the Registry will ensure that a photocopy of the said document is placed in the original case file for the purpose of maintenance of records. With the said liberty, the above Criminal Miscellaneous Case will stand dismissed as withdrawn. Sd/- ALEXANDER THOMAS, JUDGE MMG Crl.M.C. No. 2662 /2018 ..3.. APPENDIX PETITIONERS' EXHIBITS: ANNEXURE A1 TRUE COPY OF THE FIRST INFORMATION STATEMENT DATED 23-11-2017 GIVEN BY THE SECOND RESPONDENT/DEFACTO COMPLAINANT. ANNEXURE A2 TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.3818/2017 OF PATHANAMTHITTA POLICE STATION. ANNEXURE A3 TRUE COPY OF

THE FINAL REPORT CC NO.49/2014 ON THE FILES OF THE CHIEF JUDICIAL MAGISTRATE COURT, ANNEXURE A4 TRUE COPY OF THE DEPOSITION OF MR.M.P. THOMAS WHO WAS EXAMINED PW6 IN CC NO.136/2008 ON THE FILES OF THE CHIEF JUDICIAL MAGISTRATE COURT, ANNEXURE A5 TRUE COPY OF THE JUDGMENT IN CC NO.136/2008 PASSED BY THE CHIEF JUDICIAL MAGISTRATE COURT, ANNEXURE A6 TRUE COPY OF THE PRIVATE COMPLAINT IN ST NO.4871/2007 INSTITUTED BY MR.M.P. THOMAS AS AGAINST THE THIRD PETITIONER BEFORE THE CHIEF ANNEXURE A7 TRUE COPY OF THE PRIVATE COMPLAINT IN ST THE FIRST PETITIONER HEREIN BEFORE THE CHIEF ANNEXURE A8 TRUE COPY OF THE PRIVATE COMPLAINT IN ST 4401 CONSTITUTED BY MR.M.P.THOMAS AS AGAINST THE FIRST PETITIONER HEREIN BEFORE THE CHIEF JUDICIAL ANNEXURE A9 TRUE COPY OF THE PRIVATE COMPLAINT IN ST OFFENCE UNDER SECTION 138 OF THE NEGOTIABLE INSTRUMENTS ACT BEFORE THE CHIEF JUDICIAL

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