

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

Wednesday, the 3rd day of August 2022 / 12th Sravana, 1944
CRL.M.APPL.NO.1/2022 IN CRL.MC NO. 5261 OF 2022

CRIME NO.215/1994 OF Vanchiyoor Police Station, Thiruvananthapuram

CC 811/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,NEDUMANGAD,
THIRUVANANTHAPURAM

PETITIONER/PETITIONER:

ADV. ANTONY RAJU AGED 60 YEARS HOUSE NO. 237, SWATHI NAGAR,
KOTTAKKAKAM WARD, VANCHIYOOR, THIRUVANANTHAPURAM, PIN - 695542

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
2. T. G. GOPALAKRISHNAN NAIR, RETD. SHERISTADAR, SESSION COURT,
THIRUVANANTHAPURAM RESIDING AT THAZHATHANGADI, THAZHETHADATHIL
VEETIL, KOTTAYAM, PIN - 686005

Application praying that in the circumstances stated therein the High Court be pleased to stay all further proceedings in CC.No.811/2014 on the file of the Judicial First Class Magistrate Court-I,Nedumangad arising out of Crime N.215 of 1994 of Vanchiyoor Police Station, as initiated against the petitioner, pending disposal of the above Crl.MC

This Application coming on for orders upon perusing the application and upon hearing the arguments of ADV. P.VIJAYA BANU(SR.), DEEPU THANKAN, UMMUL FIDA, LAKSHMI SREEDHAR, R.RAJANANDINI MENON, SHAHNAS K.P, Advocates for the petitioner, and of PUBLIC PROSECUTOR for the 1st respondent, the court passed the following:

p.t.o.

ZIYAD RAHMAN A.A., J.

Crl.M.C.No.5261 of 2022
and
Crl.M.Appln.No.1 of 2022

Dated this the 3rd day of August, 2022

ORDER

Admit. Learned Public Prosecutor takes notice for the 1st respondent. Issue notice to the 2nd respondent.

Crl.M.Appln.No.1 of 2022

The main contention put forward by the learned Senior counsel appearing for the petitioner is that the major offence is under Section 193 IPC and the mandatory procedure as contemplated under Section 195 read with Section 340 of Cr.P.C. has not been complied with. As per Section 195 (1) Cr.P.C., the prosecution in respect of an offence under Section 193 IPC and the conspiracy to commit the same, if such offence is committed in, or in relation to, any proceedings in any court, can be conducted only on the basis of a complaint submitted by the court concerned or the officer authorized by the court or some other court to which that court is subordinate. It is seen from the records that the aforesaid proceedings has not been complied with in this case. Therefore, I find a *prima facie* case in favour of the

petitioner and it is ordered that there shall be an interim order staying all further proceedings in C.C.No.811 of 2014 on the files of the Judicial First Class Magistrate Court-I, Nedumangad, for a period of one month.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

DG/3.8.22

