

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 31ST JULY 2009 / 9TH SRAVANA 1931

CrLMC.No. 2498 of 2009

CC.171/2009 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR

PETITIONER(S): ACCUSED

**PRAVEEN KUMAR PARAMBATH, AGED 45 YEARS,
'PRAVAS', P.O.KARUVASSERY, KOZHIKODE.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S): COMPLAINANT

- 1. M.P.NARAYANAN NAMBIAR,
S/O.GOVINDAN NAMBIAR,
LAKSHMI VILAS, CHUNGATHARA P.O.,
MALAPPURAM.**
- 2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

PUBLIC PROSECUTOR SRI B.VINOD

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31/07/2009, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

M. SASIDHARAN NAMBIAR, J.

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CRL.M.C.No.2498 OF 2009
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Dated this the 31st day of July, 2009

ORDER

Petitioner is the accused in C.C.171/2009 on the file of Judicial First Class Magistrate, Nilambur. This petition is filed under section 482 of the Code of Criminal Procedure to quash the complaint contending that ingredients of an offence under section 420 of Indian Penal Code is not attracted. When the matter was heard, it is found that it is not a fit case to quash the complaint. Learned counsel appearing for the petitioner then submitted that petitioner may be permitted to file an application for discharge under section 245 of Code of Criminal Procedure before the learned Magistrate. It is also submitted that petitioner may be permitted to file the application and to get an order without insisting for the presence of the petitioner.

Petition is disposed of granting liberty to the petitioner to move the Magistrate for an order of discharge under section 245 of Code of Criminal Procedure. Petitioner is also at liberty to file an

application to dispense with his presence for the purpose of hearing the application.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006