

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,  
PARAVUR**

**Present:- Smt. Chithralekha N. S.  
Judicial Magistrate of the First Class**

**Dated this the Thursday, the 12<sup>th</sup> day of March, 2026**

**CMP 2433/2025 IN ST 4/2018**

Petitioner : Moly Mathayi, Aged 63, W/o. Mathai,  
M G House, Meeyannur, Pallimon Village.

(Represented by Adv. R Dileepkumar)

Respondent/ accused : Ashiba Naushad, W/o. Naushad,  
Maccai House, Vilavoorkonam P.O.,  
Kalluvathukkal, Kollam.

(By Adv. R Harilal)

Order : CMP is allowed.

**ORDER**

1. The petitioner is complainant in ST 4/2018 on the file of this court.

2. The crux of the averments in a nutshell is as follows:- The evidence was closed from the side of complainant and it was posted for the defence evidence. She had been abroad along with her daughter due to which she could not examine certain witnesses including bank manager before court. The examination of the bank manager is most relevant for the decision of the case and it would otherwise cause irreparable injury. Hence the evidence be reopened to examine the bank manager.

3. Heard the learned counsel for the petitioner and the respondent

and perused the available records.

4. Summons was issued to the bank manager. He failed to appear before court and it was directed to take fresh steps. On 30.08.2025 the complainant remained absent with no evidence. Hence the evidence of the case was closed and the case was posted for examination of the accused u/s. 313 Cr. PC. The case currently is posted for defence evidence. The petition u/s. 315 cr. PC has been filed on behalf of the defence. However the complainant has already submitted the need the examining the bank manager during the stage of the evidence of the complainant itself. Therefore before opening up the defence evidence it is necessary to conclude the evidence from the part of the complainant. Denying the petition would amount to refusing a fair chance for relevant facts to evolve out of the trial. Therefore a reasonable opportunity could be granted to the complainant to adduce evidence on her behalf. Therefore the complainant is directed to take steps for issuance of process to the bank manager concerned. Hence the petition is allowed in the interest of justice.

In the result, the CMP stands allowed.

*(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 12<sup>th</sup> day of March, 2026).*

Sd/-  
Judicial Magistrate of the First Class-II,  
Paravur