



2025:KER:18295

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

TR.P(CRL.) NO. 65 OF 2024

CRIME NO.61/2020 OF PARIYARAM MEDICAL COLLEGE POLICE

STATION, KANNUR

AGAINST CC NO.136 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST

CLASS ,PAYYANNUR

PETITIONER/DEFACTO COMPLAINANT:

**THOMAS MATHEW @ ROY
AGED 42 YEARS
S/O MATHEW V.T, VEMPALAYIL HOUSE,
CHATHANTHARA P.O, KOLLAMULA,
PATHANAMTHITTA DISTRICT,
PIN - 686510**

**BY ADVS.
MANU RAMACHANDRAN
M.KIRANLAL
R.RAJESH (VARKALA)
T.S.SARATH
SAMEER M NAIR
SAILAKSHMI MENON
JOTHISHA K.A.
SHIFANA M.**



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RESPONDENTS/STATE.I.O. & ACCUSED:

- 1 THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031
- 2 THE STATION HOUSE OFFICER
PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT, PIN - 670503
- 3 BINOY PHILIP
AGED 46 YEARS
S/O VARKEY, PALLIPPARAMBIL HOUSE, ETTUPARA,
ERUVESY AMSOM & P.O, KUDIYANMALA
KANNUR DISTRICT, PIN - 670632
- 4 MANEESH JOSE
AGED 35 YEARS
S/O JOSE, MANNOOR HOUSE, KOTTAKKUNNU,
NELLIKKUTTY, ERUVESY AMSOM & P.O, KUDIYANMALA,
KANNUR DISTRICT, PIN - 670632

BY ADVS.
SREEJA V., SENIOR PUBLIC PROSECUTOR
K.VIDYASAGAR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY
HEARD ON 04.03.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**ORDER**

The petitioner is the defacto complainant in C. C. No. 136/2022 pending on the files of the Judicial First Class Magistrate Court, Payyannur. The petitioner is a native of Pathanamthitta. The respondents 3 and 4 are the accused. They are natives of Kannur. The petitioner seeks transfer of the above case to the Chief Judicial Magistrate Court, Pathanamthitta for the reason that the petitioner apprehends danger and threat at the hands of the respondents 3 and 4, if he appears before the court. The petitioner further says that there is every likelihood that the witnesses of the incident also will be threatened by the respondents 3 and 4. It is in these circumstances, the petitioner has sought for transfer.

2. Heard both sides.

3. The allegation in the case is that the petitioner was assaulted in the premises of the Pariyaram Medical College.



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According to the petitioner, he as well as the witnesses apprehends threat at the hands of the respondents 3 and 4 in Kannur District. Since the respondents 3 and 4 are natives of Kannur, I am of the view that the case can be transferred to a neighbouring district. Hence, C. C. No.136/2022 pending on the files of the Judicial First Class Magistrate Court, Payyannur is withdrawn and transferred to the Judicial First Class Magistrate Court - I, Kozhikode for trial and disposal.

The Transfer Petition(Criminal) is disposed of as above.

**Sd/-
DR. KAUSER EDAPPAGATH
JUDGE**

BR



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APPENDIX OF TR.P(CRL.) 65/2024

PETITIONER'S ANNEXURES

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| Annexure A1 | THE TRUE COPY OF THE FIR IN CRIME NO.44/2020 OF VECHOOCHIRA POLICE STATION, PATHANAMTHITTA DISTRICT |
| Annexure A2 | THE TRUE COPY OF THE FIR IN CRIME NO.61/2020 OF PARIYARAM MEDICAL COLLEGE POLICE STATION, KANNUR DISTRICT |
| Annexure A3 | THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.61/2020 OF PARIYARAM MEDICAL COLLEGE POLICE STATION, KANNUR DISTRICT WHICH IS NOW PENDING AS C.C NO.136/2022 ON THE FILES OF JFMC, PAYYANNUR |
| Annexure A4 | THE TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER DATED 28.01.2020 ISSUED BY THE MEDICAL COLLEGE HOSPITAL OF PARIYARAM |
| Annexure A5 | THE TRUE COPY OF THE ORDER DATED 19.10.2020 IN TR.P(C) NO.166/2020 OF THIS HON'BLE COURT |
| Annexure A6 | THE TRUE COPY OF THE ORDER DATED 24.09.2021 IN TR.P(CRL) NO.24/2020 OF THIS HON'BLE COURT |
| Annexure A7 | THE TRUE COPY OF THE ORDER DATED 06.06.2022 IN TR.P(CRL.) NO.27/2022 OF THIS HON'BLE COURT |
| Annexure A8 | THE TRUE COPY OF THE CASE STATUS OF C.C NO.136/2022 ON THE FILES OF JFMC, PAYYANNUR OBTAINED FROM E-COURTS WEB DOMAIN |



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RESPONDENTS' ANNEXURES

Annexure-R3(a) THE MEDICAL RECORDS OF HIS MOTHER.

**Annexure-R3(b) TRUE COPY OF DEATH CERTIFICATE OF THE
FATHER OF 4TH RESPONDENT DATED
07.02.2024.**