

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7451/2011

(From the judgement and order dated 26/07/2011 in CRLMC No.3151/2007 of thse HIGH COURT OF KERALA AT ERNAKULAM)

AYILLIATH YEDUNATH NAMBIAR

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(With appln(s) for stay, permission to file additional documents and office report)

Date: 08/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)

Mr. John Mathew, Adv.

For Respondent(s)

Mr. E.M.S. Anam, Adv.

Mr. M.T. George, Adv.

UPON hearing counsel the Court made the following
O R D E R

The issue in this special leave petition is clearly taken over by subsequent developments. This petition is filed against the order in which the High Court observed that in case the complainant filed an appropriate application at the trial stage for getting the documents examined by an expert to find out whether or not those were forged, the Magistrate would allow such application and permit the complainant to send the documents for expert opinion at his cost. The present petitioner (accused in ...2/-

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that case) is aggrieved by the direction given by the High Court.

It is not in dispute that during the pendency of the special leave petition, on a petition filed by the prosecution, the Magistrate, by his order dated November 02, 2011, has directed the Police to conduct further investigation in terms of Section 173(8) of the Code of Criminal Procedure, 1973.

It is stated on behalf of the respondent that the order of the Magistrate has been challenged by the accused (petitioner herein) before the High Court, where the matter remains pending.

In view of this development, the petitioner's grievance, insofar as the impugned order is concerned, is plainly rendered infructuous.

The special leave petition is, accordingly, dismissed.

The petitioner may pursue his remedy before the High Court where his petition is pending.

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|Court Master

|(N.S.K. Kamesh)

| |Court Master

| |(Sneh Bala Mehra)

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