

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CRL.A.No. 90 of 2009 (A) IN Cr1.L.P..1722/2008

AGAINST THE JUDGMENT IN SC 114/2003 of ADDL. DISTRICT COURT (ADHOC),
KALPETTA DATED 30-08-2008

AGAINST THE JUDGMENT IN Cr1.L.P. 1722/2008 of HIGH COURT OF KERALA

PETITIONER/COMPLAINANT:

M.M.DEVASSIA
S/O.MICHAEL, RESIDING AT PULLAKKAL HOUSE
PAYYAMPILLY P.O., MANANTHAVADY, WAYANAD DISTRICT.

BY ADVS.SRI.P.K.JOSE
SMT.TESSY JOSE

RESPONDENT(S)/ACCUSED:

1. RAJENDRAN
AMBALAVAYAL POLICE STATION, WAYANAD.
2. GOPINATHAN, POLICE CONSTABLE - 474,
THIRUNELLI POLICE STATION, THIRUNELLI, WAYANAD.
3. MOHANAN, POLICE CONSTABLE 931,
MANANTHAVADY POLICE STATION, MANANTHAVADY, WAYANAD.
4. CHALIAPPAN, PUTHIYEDATH ERANNOOR,
PAYYAMPALLY, MANANTHAVADY.
5. VIJAYAN, S/O.VAGRA GOWDAR,
PUTHIYEDATH HOUSE, PAYYAMPALLY, MANANTHAVADY.
6. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR BY SEENA RAMAKRISHNAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.D.RAJAN, J

.....
Crl.Appeal No.90 of 2009
.....

Dated 21st July, 2015

JUDGMENT

Leave granted. This appeal has been preferred against the judgment in S.C.No.114 of 2003 of Additional Sessions Judge, Kalpetta which was filed for the offence punishable under Section 120B, 452, 506(ii) and 395 IPC. The appellant filed a private complaint before Judicial First Class Magistrate-II, Mananthavady from where it was committed to Sessions Court and after full fledged trial, the accused were acquitted under Section 235(1) Cr.PC. The prosecution examined Pws 1 to 3 and no material documents were produced to prove the alleged offence and no material objects were marked by the police after investigation. Trial Court after analysing the oral and documentary evidence, acquitted A1 to A4 under Section 235(1) Cr.P.C. Against that acquittal, appellant approached this court.

2. This court, after filing this appeal, issued direction to give notice to the respondents. Even after several

occasion, no earnest efforts were made by the appellant to give notice to respondents 1 to 6. Finally on 4.12.2012, this court admitted the appeal and directed to issue notice by speed post to respondents 1 to 5. Learned Public Prosecutor took notice for R6. On that day, it was directed to take steps within seven days and if no steps taken, to post the case after ten days. Even thereafter, no steps were taken against the respondent.

3. I have heard the learned counsel Smt Mamatha, who represented the learned counsel for the appellant. She sought time for arguing the matter. I heard the learned Public Prosecutor and have gone through the records. Prima facie, no materials are produced to proceed against the respondent to prove the offence. There is no illegality in the findings of the trial court and this criminal appeal is dismissed accordingly.

P.D.RAJAN, JUDGE

lgk