

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Cr1.MC.No. 336 of 2015 ()

CRIME NO. 332/2014 OF KOTTIYAM POLICE STATION , KOLLAM

PETITIONER(S)/2ND ACCUSED:

WINSTON XAVIER @ RONY, AGED 36 YEARS
S/O.VARUGHESE XAVIER, MARGRET SADANAM
KALKUTHIL PULLICHIRA P.O., KOLLAM DISTRICT.

BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA

RESPONDENT(S)/STATE :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 336 of 2015 ()

APPENDIX

PETITIONER(S) ' ANNEXURES :

ANNEXURE-I. CERTIFIED COPY OF FIR NO.332/2014 DATED 24/2/2014
OF KOTTIYAM POLICE STATION.

ANNEXURE-II. TRUE COPY OF INQUEST REPORT IN CRIME
NO.332/2014 OF KOTTIYAM POLICE STATION.

ANNEXURE-III. TRUE COPY OF THE REMAND APPLICATION IN CRIME
NO.332/2014 OF KOTTIYAM POLICE STATION.

ANNEXURE-IV. CERTIFIED COPY OF FINAL REPORT IN CRIME
NO.332/2014 DATED 24.02.2014 OF KOTTIYAM POLICE
STATION.

RESPONDENT(S) ' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE.

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B.KEMAL PASHA, J.

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Crl.M.C. No. 336 of 2015

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Dated this the 18th day of November, 2015

ORDER

The petitioner is the 2nd accused in Crime No.332/2014 of the Kottiyam Police Station, Kollam District, which is presently pending as C.P.No.148/2015 before the Judicial First Class Magistrate's Court-II, Kollam, for the offence punishable under Section 306 read with Section 34 IPC.

2. It is a case, in which the wife of the 1st accused has committed suicide. According to the petitioner, there is no specific allegation against the petitioner in the final report. It seems that the petitioner is roped in the offence with the aid of Section 34 IPC. This Court is not presently going into the merits of the contentions forwarded by the petitioner as a probing enquiry is not called for at this stage. At present, this Court cannot go into the intrinsic particulars of the evidence collected by

the Investigating Officer and weigh the evidence.

3. At the same time, the petitioner can bring these aspects to the notice of the concerned Sessions Court on committal, at the stage of Section 227 Cr.P.C. In such case, the concerned Sessions Court, dealing with the matter, shall consider the said aspects and dispose of the matter in accordance with law.

With the said liberty to the petitioner, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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