

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 1344 of 2015

C.C.NO.963/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM

PETITIONER(S)/ACCUSED:

1. JOY K.U.,
KIZHAKKEKARAYAIL HOUSE, THEKKUMMOOTTILPADY BHAGOM,
PIRAVOM VILLAGE, ERNAKULAM DISTRICT.
2. BABU P.P.,
PUTHENPURACKAL HOUSE, THEKKEN'S TRADERS,
EDAKKATTUWAYAL VILLAGE, VELIYANADU KARA.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/DEFACTO COMPLAINANT/DEJURE COMPLAINANT :

1. SUB INSPECTOR OF POLICE, PIRAVOM POLICE STATION
ERNAKULAM DISTRICT -686 664.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 31.
3. SOJAN GEORGE,
S/O.K.T.GEORGE, KALATHIL HOSUE, PIRAVOM VILLAGE,
ERNAKLAM DISTRICT, PIN: 686 664.

**R3 BY ADVS. SRI.SAJEEV KUMAR K.GOPAL
SRI.K.N.SWAMIDASAN**

R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** THE CERTIFIED COPY OF THE FIR IN CRIME NO. 453/2014
ALONG WITH THE FI STATEMENT OF THE DEFACTO
COMPLAINANT.
- ANNEXURE B:** THE CERTIFIED COPY OF THE FINAL REPORT SUBMITTED
BY THE RESPONDENT.
- ANNEXURE C:** THE ADDITIONAL STATEMENTS RECORDED FROM
THE WITNESSES APPENDED TO THE FINAL REPORT.
- ANNEXURE D:** THE SCENE MAHAZAR PREPARED BY THE INVESTIGATING
OFFICER.
- ANNEXURE E:** THE TRUE COPY OF THE REPORT OF THE DISTRICT
POLICE CHIEF DATED 23/01/2014.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 1344 of 2015
.....

Dated this the 18th day of September, 2015

ORDER

Heard the the learned counsel for the petitioners and the learned counsel for the 3rd respondent.

2. Petitioners are accused in Crime No.963/2014 of the Piravom Police Station, registered for the offences punishable under Sections 118(D) and 120(Q) of the Kerala Police Act, 2011 read with Section 34 of the IPC.

3. Presently, it has come out that the trial is going on. At this stage, this Court cannot go into the merits of the evidence collected by the investigating officer in the matter. The learned counsel for the petitioners has pointed out that there is a legal question involved in the matter with regard to

the applicability of Section 34 of the IPC, when no other offence under the IPC has been alleged. Let the trial be continued, and let the court below decide the said question.

With the said observation, this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge