

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 1838 of 2015

**SC 788/2014 OF SESSIONS COURT,KOLLAM
CP 52/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR
CRIME NO. 456/2008 OF PARIPPALLY POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED:

**JOEMON, AGED 24/2008
S/O. MADANAN, LEEJA BHAVAN, THAZHUTHUMMOODU,
KADAMBATTUKONAM, NAVAikulAM VILLAGE,
THIRUVANANTHAPURAM - 695 603.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. BALAKRISHNA PILLAI,
S/O. NARAYANA PILLAI, B.A. BHAVAN, KAZHUTHUMMOODU,
KADAMBATTUKONAM, PARIPALLY P.O., KOLLAM - 691 574.**

R1 BY PUBLIC PROSECUTOR SRI.DANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' ANNEXURES

- A1: COPY OF THE FIR AND FIS OF CRIME NO.456/08 OF PARRIPALLY POLICE STATION**
- A2: COPY OF THE CHARGE SHEET DTD.18/7/09 FILED BEFORE THE JFMC-PARAVOOR**
- A3: CERTIFIED COPY OF THE JUDGMENT IN SC.1388/2009 DATED 21/11/14 OF THE SESSION COURT KOLLAM.**
- A4: COPY OF THE DEPOSITION OF PW1 DATED 11/11/14 IN SC.1388/09**
- A5: COPY OF THE DEPOSITION OF PWD DATED 11/11/14 IN SC.1388/09**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

Crl.M.C. No.1838 of 2015

Dated this the 22nd day of June 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. Petitioner was an accused in S.C. No.1388 of 2009 on the file of the Sessions Court, Kollam. After taking bail, he absconded. Thereupon, the learned Sessions Judge split up the case against him and proceeded with the case against the co accused. The co-accused was acquitted. Now the petitioner wants this Court to quash the proceedings against him on the ground of the acquittal of the co-accused.

3. Heard.

4.The fact that the petitioner could successfully abscond for about 2 years is no ground to give him advantage of the judgment of acquittal passed in favour of his co-accused. He should first obey the law. He should surrender before the court concerned.

5. Learned counsel submits that the petitioner

may be permitted to file an application for discharge.
Cr.P.C. permits him to do so. There is no legal
impediment for it.

In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge