

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 2024 of 2015

CC 195/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, AMBALAPUZHA
.....

PETITIONER(S):

**BINU,
S/O.BHASKARAN, AANAVELIL VEEDU, NEERKUNNAM MURI,
AMBALAPUZHA.**

**BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA**

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2024 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: THE TRUE COPY OF THE FIR.

ANNEXURE B: THE TRUE COPY OF THE CHARGE FILED BY THE PROSECUTION.

ANNEXURE C: THE TRUE COPY OF THE JUDGMENT IN CC 712/07.

ANNEXURE D: THE TRUE COPY OF THE ORDER IN CRL.MC 1346/12.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. No.2024 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petitioner, who is the 3rd accused in Crime No.316/2007 of the Ambalappuzha Police Station, registered for the offences punishable under Sections 294(b), 506(i), 341, 323 and 354 read with Section 34 IPC, has come up under Section 482 Cr.P.C. for getting Annexure-B final report in the matter against him, quashed.

2. According to the petitioner, as he was abroad he could not face the trial before the court below in the matter along with A1 and A2 in the case in C.C.712/2007. The court below has acquitted both A1 and A2 vide Annexure-C judgment dated 30.01.2012. According to the petitioner, no purpose would be served in continuing with the trial of the

case against the petitioner herein.

3. It seems that the case against the present petitioner is refiled as C.C.No.195/2012. On hearing the learned counsel for the petitioner and the learned Public Prosecutor, I do not find any sufficient reasons for quashing Annexure-B final report as against the petitioner in the matter. The judgment of acquittal passed by the court below on merits, as far as A1 and A2 is concerned, cannot be relied on by the petitioner to contend for the position that he would have also been acquitted in the matter, the trial against him was also held. It is a fact that the petitioner is working abroad. The present request of the learned counsel for the petitioner is to dispense with his personal appearance in the matter. Of course, on all such postings his presence cannot be dispensed with, at the same time, the court below can be directed to dispense with his personal appearance as far as practicable.

In the result, this Crl.M.C. is disposed of by directing

the court below to dispense with the personal appearance of the petitioner, in C.C.No.195/2012, as far as practicable.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge