

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Crl.MC.No. 1037 of 2013 ()

Crl.M.P.313/2013 in SC 30/2006 of
ADDITIONAL DISTRICT & SESSIONS COURT (ADHOC-1), THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

AJAYAN, AGED 30 YEARS
S/O RAMAYYAN, KIZHAKKUMKARA PUTHEN VEEDU, NATTUVANKAVU
PANAKKODU, ARYANADU, THOLIKKODU VILLAGE
NEDUMANGAD.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT/COMPLAINANT:

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

BY GOVERNMENT PLEADER, SHRI.M.A.ABDUL SHUKKOOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.M.C.NO.1037/2013

APPENDIX

PTITIONER'S EXHIBITS:

ANNEXURE I : TRUE COPY OF THE ORDER DATED 11.2.2013
IN CRL.M.P.NO.313/13 IN S.C.30/2006 BEFORE
THE ADDITIONAL DISTRICT AND SESSIONS FAST
TRACK COURT-I, THIRUVANANTHAPURAM.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

B.KEMAL PASHA, J.

Crl.M.C.No.1037 of 2013

Dated this the 30th day of January 2015

ORDER

The accused in S.C.No.30/2006 of the Additional Sessions Court (Adhoc-1), Thiruvananthapuram has filed Crl.M.P. NO.313/2013 under Section 311 of Code of Criminal Procedure for recalling and further examining PWs. 1, 2 and 6. The offence alleged against the accused is, one under Section 376 of the Indian Penal Code. The court below has found that those witnesses were examined at length and recalling those witnesses were nothing but adding insult to injury, and it would be further harassment of the raped victim. On that specific ground, the court below has dismissed the said petition.

2. The accused has come up, under Section 482 of Code of Criminal Procedure, by challenging the said order dated 11.2.2013 passed by the court below.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The Investigating Officer has filed a report also. It seems that presently, the entire prosecution witnesses were examined and the evidence of the prosecution is over. Now the case stands posted for examining the accused under Section 313 of the Code of Criminal Procedure. On going through the impugned order, I do not find any illegality, irregularity or impropriety or any jurisdictional error in the order passed by the court below. I fully concur with the view taken by the court below in the matter. This Crl.M.C. is devoid of merits and is only to be dismissed, and I do so.

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

Sd/-
B.KEMAL PASHA,
JUDGE

dl