

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Crl.MC.No. 1168 of 2014 ()

CRIME NO. 1592/2013 OF MANNARKKAD POLICE STATION, PALAKKAD.

.....

PETITIONER/DEFACTO COMPLAINANT:

**KUNJU MOHAMMED,
S/O. MOHAMMED HAJI, PALLATHU HOUSE,
KALLAMKUZHY, KANJIRAPUZHA.**

**BY SRI.S.SREEKUMAR, SENIOR ADVOCATE.
ADVS. SRI.P.MARTIN JOSE,
SRI.P.PRIJITH,
SRI.THOMAS P.KURUVILLA.**

RESPONDENTS/ACCUSED 19 TO 22:

- 1. SALIM, S/O. MUHAMMED, PALAKKA PARAMBIL HOUSE,
THRIKKALLUR P.O., MANNARKKAD TALUK,
PALGHAT DISTRICT - 678 582.**
- 2. SAIDALAVI, S/O. AYAMUTTY,
PADALATH HOUSE, THRIKKALLUR P.O.,
MANNARKKAD TALUK, PALGHAT DISTRICT - 678 582.**
- 3. THAJUDHEEN @ ELUTTY, S/O. AYAMUTTY,
PADALATH HOUSE, THRIKKALLUR P.O.,
MANNARKKAD TALUK, PALGHAT DISTRICT - 678 582.**
- 4. SHAHEER, S/O. AYAMUTTY,
PADALATH HOUSE, THRIKKALLUR P.O.,
MANNARKKAD TALUK, PALGHAT DISTRICT - 678 582.**
- 5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 TO R4 BY ADVS. SRI.ESM.KABEER,
SRI.ABDUL MAJEED.N.
R5 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A** **COPY OF THE ORDER IN CRL.MP. NO.3765/2013
DATED 05/02/2014 OF SESSIONS COURT, PALAKKAD.**
- ANNEXURE B** **COPY OF THE FIR IN CIME NO.173/2014.**
- ANNEXURE C** **COPY OF THE MASS PETITION DATED 14/04/2014 SUBMITTED
BEFORE THE DISTRICT COLLECTOR.**
- ANNEXURE D** **COPY OF THE PETITION DATED 17/07/2014 SUBMITTED
BEFORE THE HOME MINISTER WITH COPY TO THE
DEPUTY SUPERINTENDENT OF POLICE.**
- ANNEXURE E** **COPY OF THE FIR IN CRIME NO.697/2014 UNDER SECTION
324, 341, 506(ii) R/W SECTION 34 IPC.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1168 of 2014
.....

Dated this the 7th day of December, 2015

ORDER

~ ~ ~ ~ ~

It has come out that the bail granted to A19 and A22 in Crime No.1592/2013 of Mannarkkad Police Station was cancelled. The crime includes offences under Sections 307 and 302 IPC. The statement filed by the Deputy Superintendent of Police, Shoranur clearly shows that on 17.03.2014, A3, A2 and A12 in the crime had threatened one of the witnesses in the case and thereby, Crime No.173/2014 of Kalladikode Police Station was registered against them under Section 506 read with Section 34 IPC. Similarly, the statement further reveals that A22 along with A12 and A13 in the Crime had assaulted two witnesses in the said murder case, for which Crime No.697/2014 of Mannarkkad Police Station was registered for the offences under Sections 341, 324 and 506(ii) read with Section 34 IPC.

2. This Court does not understand as to why the investigating officer is shy to approach the court below with a request for getting A3, A2, A22, A12 and A13 arrested and committed to custody as they have violated the bail conditions. When the bail conditions are violated, the investigating officer can bring the matter to the notice of the court below so that the court below can pass orders to get those accused arrested and committed to custody under Section 439(2) Cr.P.C., which order shall have the effect of cancellation of bail. The investigating officer is directed to have recourse to such a step.

With the said direction, this CrI.M.C. is closed. It is made clear that in case of further grievance, the petitioner will be free to approach this Court again.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/12

// True Copy //

PA to Judge