

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

CrI.MC.No. 2738 of 2015

FIR IN CRIME NO.623 OF 2005 OF PALA POLICE STATION , KOTTAYAM

PETITIONER(S)/4TH ACCUSED :

**JOSEPH @ JOSE, AGED 60 YEARS,
SON OF THOMAS, KAYATTANATHU VEEDU, KAMBALAKKADUBHAGOM,
ACUKUNNU, MANANTHAVADY, WYNAD.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE I: TRUE COPY OF FIR IN CRIME NO.623 OF 2005.

ANNEXURE II: TRUE COPY OF FINAL REPORT IN CRIME NO.623 OF 2005.

**ANNEXURE III: TRUE COPY OF THE JUDGMENT IN SC NO.242/2010 OF
THE SESSIONS COURT, KOTTAYAM.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 25th day of May, 2015.

ORDER

The petitioner is additionally arrayed as one among the five accused in Crime No.623/2005 of Pala Police Station, registered for offences under Secs.457, 461, 380, 411, 413, 414 r/w 34 IPC. It is stated by the petitioner that his name was not included in the original FIR, but, he was additionally arrayed as an accused in the Final Report submitted by the police after investigation. Annexure-II is the copy of the impugned Final Report filed by the police after investigation in the impugned Annexure-I FIR in Crime No.623/2005 of Pala Police Station. The petitioner and two other accused had absconded and their case was split up. Accused Nos.A2 & A5 faced trial which resulted in acquittal as per Annexure-III judgment in S.C.No.242/2010 on the file of the Additional Sessions Court-V, Kottayam. Later accused No.1 and A4 (petitioner herein) in the crime had appeared before the court and the case after split up is now pending as S.C.No.166/2014 on the file of the Sessions Court, Kottayam arising out of the above mentioned criminal

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proceedings. It is stated by the petitioner that even now the accused No.3 is absconding and the present impugned criminal proceedings in S.C.No.166/2014 on the file of the Sessions Court, Kottayam is only as against the petitioner herein and another accused. The case of the petitioner is that he was employed at Mysore and he lost contact with the advocate representing him and that he could not appear before the court below and in view of the acquittal of the co-accused as per Annexure-AIII judgment, the impugned criminal proceedings against him may be quashed in the interest of justice.

2. Heard Smt.P.K.Santhi, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. It is to be noted that even according to the petitioner, even now the trial against the petitioner and two other accused in the above said case is still pending as their cases were split up from the main matter. The consideration of the prayer of the petitioner for quashment will lead to a situation whereby the pending criminal proceedings would be truncated and the case against two other accused will be pending. Such truncated quashment of criminal proceedings would be

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unnecessarily cause hardships and confusion to the already overloaded judicial system. Therefore, in the facts and circumstances of the case, this Court is not inclined to exercise its extra ordinary inherent jurisdiction vested under Sec. 482 Cr.P.C. Hence without prejudice to the contentions of the petitioner and without going into the merits of the matter, this matter is closed, as this Court is of the considered opinion that this matter need not be considered on merits for exercise of inherent jurisdiction.

Accordingly, this Crl.M.C is dismissed with liberty to the petitioner to work out his remedies in accordance with law.

ALEXANDER THOMAS,
Judge.

bkn/-