

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 2863 of 2015

**L.P.C.NO.91/2012 OF ADDITIONAL DISTRICT & SESSIONS AD HOC-III,
KASARAGOD**

CRIME NO. 430/2008 OF BEKAL POLICE STATION , KASARAGOD

PETITIONER(S)/ACCUSED NO.5 :

**SASEENDRAN @ SASEENDRA KUMAR, AGED 32 YEARS,
S/O.NARAYANAN, KALATINKAL HOUSE, ARAVATH,
PANAYAL VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
BEKAL POLICE STATION- 671 121.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-11-2015, ALONG WITH Crl.MC.No.2864 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.430/2008 OF BEKAL
POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE JUDGMENT OF THE S.C.NO.350/2009
ON THE FILE OF COURT OF ADDITIONAL DISTRICT &
SESSIONS ADHOC III, KASARAGOD.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. Nos.2863 & 2864 of 2015 G
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Dated this the 24th day of November, 2015

ORDER

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According to the petitioners, they could not stand trial in SC No.350/2009 before the Additional Sessions Court (Adhoc-III), Kasaragod, which has arisen from Crime No.430/2008 of Bekal Police Station. It is the case of the petitioners that the other accused were acquitted by the court below after trial of the said case, through Annexure-A2 judgment. On a perusal of Annexure-A2 judgment, it has come out that the accused, who were present in the dock in the case were not identified by the injured witness. At the same time, it seems that he had deposed with regard to the entire prosecution allegations.

2. Presently, the case against the petitioners are entered in the LP Register as LP No.91/2012 and LP No.31/2011 respectively. On going through Annexure-A2

judgment, this Court is satisfied that the petitioners are not entitled to encash the judgment of acquittal passed in the Sessions Case in respect of the other accused in the crime, on the basis of the decision of the Full Bench of this Court in ***Moosa v. Sub Inspector of Police [2006 (1) KLT 552]***.

Matters being so, these Crl.M.Cs. are dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/24/11

// True Copy //

PA to Judge