

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.MC.No. 2868 of 2015 ()

**LP.NO. 11/2010 OF CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM
CRIME NO. 187/2007 OF KOTTAYAM EAST POLICE STATION, KOTTAYAM**

PETITIONER/1ST ACCUSED :

**CYRIAC PHILIP, AGED 53 YEARS
S/O.PHILIP, RESIDING AT MUKKUDIYIL HOUSE
PERUMBAILKATTU VILLAGE, PERUMBAIKATTU KARA
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.AJEESH S.BRITE
SRI.E.A.BIJUMON**

RESPONDENTS/COMPLAINANT :

**1. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
KOTTAYAM EAST POLICE STATION
REP. BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. SAKKARIAS JOSEPH, AGED 77 YEARS
S/O.JOSEPH, RESIDING AT ANDHINATTU HOUSE
KUDAKACHIRA KARA, KURICHITHANAM P.O.,
VELLICHCHI VILLAGE, KOTTAYAM-686634.**

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1 : CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 187/2007 OF KOTTAYAM EAST POLICE STATION
DATED 10.4.2007.**

**ANNEXURE 2 CERTIFIED COPY OF THE FINAL REPORT NO. 461/2008 IN
CRIME NO. 187/2007 DATED 26.9.2008.**

**ANNEXURE 3 COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER
FROM JUBLIEE MISSION MEDICAL COLLEGE HOSPITAL,
THRISSUR ON 27/11/2014.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 2868 of 2015

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Dated this the 1st day of October, 2015

ORDER

The petitioner is the 1st accused in Crime No.187/2007 of the Kottayam East Police Station, which is presently entered in the L.P. Register as L.P.No.11/2010 of the court below, for the offences punishable under Sections 406 and 420 read with Section 34 IPC.

2. The petitioner, who is the 1st accused is absconding. He has come up with the prayer to quash the proceedings against him.

3. On going through the facts and circumstances of the case and the final report in the matter, it prima facie discloses the offences alleged against the petitioner. Matters being so, this is not a fit case wherein the relief sought for by the petitioner can be granted. The

contentions resorted to by the petitioner can be brought to the notice of the court below at the stage of section 239 Cr.P.C. In case of a petition to that effect, the court below shall consider the same and shall pass appropriate orders in accordance with law.

4. The case being one entered in the L.P register, the personal appearance of the petitioner before the court below cannot be dispensed with. At the same time, the court below shall dispose of the application for bail, if any that may be filed by the petitioner, on his surrender before the court below within 15 days from today, on the date of filing itself, provided advance notice has been given to the learned Assistant Public Prosecutor.

With the above observations, this Crl.M.C is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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