

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 3417 of 2014 ()

**SC. NO.221/2013 OF ADDITIONAL SESSIONS COURT-II, ERNAKULAM.
CRIME NO. 549/2011 OF VARAPPUZHA POLICE STATION.**

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PETITIONER/ACCUSED NO.1:

**SOBHA JOHN, AGED 42,
W/O.JOHN, BATHEL HOUSE, M.S.V. NAGAR,
THIRUMALA VILLAGE, THIRUVANANTHAPURAM.**

BY SRI.B.RAMAN PILLAI, SENIOR ADVOCATE.

**ADVS. SRI.R.ANIL,
SRI.M.SUNILKUMAR,
SRI.SUJESH MENON V.B.,
SRI.T.ANIL KUMAR,
SRI.MANU TOM,
SRI.THOMAS ABRAHAM (NILACKAPPILLIL),
SRI.M.VIVEK.**

RESPONDENTS/COMPLAINANT & ACCUSED NOS.2 & 3 :

- 1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ANIL KUMAR @ CAPE ANIL, AGED 41 YEARS,
S/O.THANKAPPAN, THACHANKERI HOUSE,
KANJIRAMPARA KARA, SASTHAMANGALAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT - 695 001.**
- 3. NARAYANAN NAIR,
S/O.PADMANABHAN NAIR, KIZHUPPILLY HOUSE,
NEAR N.S.S. KARAYOGAM OFFICE, K.P. VALLON ROAD,
KADAVANTHRA, ERNAKULAM VILLAGE, ERNAKULAM DISTRICT,
KOZHIKODE DISTRICT - 673 001.**

**R1 BY SRI.T.ASAF ALI, DIRECTOR GENERAL OF PROSECUTION.
PUBLIC PROSECUTOR SRI.C. RASHEED.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-10-2015, ALONG WITH CRL.MC. NO.3421 OF 2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A:** THE TRUE COPY OF THE FINAL REPORT IN S.C NO.217/13 IN CRIME NO.549/2011 OF THE VARAPUZHA POLICE STATION.
- ANNEXURE A1:** THE TRUE COPY OF THE FINAL REPORT IN S.C NO.218/2013 IN CRIME NO.549/2011 OF THE VARAPUZHA POLICE STATION.
- ANNEXURE A2:** THE TRUE COPY OF THE FINAL REPORT IN S.C. NO.222/13 IN CRIME NO.549/11 OF VARAPUZHA POLICE STATION.
- ANNEXURE B:** THE TRUE COPY OF THE FINAL REPORT IN SC NO.216/13 IN CRIME NO.549/2011 OF VARAPUZHA POLICE STATION.
- ANNEXURE B1:** THE TRUE COPY OF THE FINAL REPORT IN S.C. NO.219/13 IN CRIME NO.549/2011 OF VARAPUZHA POLICE STATION.
- ANNEXURE B2:** THE TRUE COPY OF THE FINAL REPORT IN SC.NO.221/2013 IN CRIME NO.549/2011 OF VARAPUZHA POLICE STATION.
- ANNEXURE C:** THE TRUE COPY OF THE PETITION DATED 17/03/2014 FILED BY THE SPECIAL PROSECUTOR.
- ANNEXURE D:** THE TRUE COPY OF THE REPORT DATED 07/04/2014 FILED BY THE INVESTIGATING OFFICER.
- ANNEXURE E:** THE CERTIFIED COPY OF THE COURT CHARGE IN S.C. 221 OF 2013 OF THE HON'BLE 2ND ADDL. SESSIONS JUDGE, ERNAKULAM.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. UBAID, J.

Crl.M.A.No.9350 of 2015
in
Crl.M.C.No.3417 of 2014
&
Crl.M.C.Nos.3417 and 3421 of 2014

Dated this the 6th day of October, 2015

O R D E R

The petitioner in the Crl.M.C.s (two in number) is the 1st accused in two cases, which are now pending before the Additional Sessions Court-II, Ernakulam. The cases involve serious offences like rape, kidnapping, human trafficking etc. The police submitted seven final reports after investigation, splitting the various instances of offences in a series of transaction. Cognizance was taken on all the final reports by the court. Pending the proceedings, the prosecution brought application for further investigation in five of the cases. On application, the trial court ordered further investigation in those cases. At that juncture, the petitioner brought these two petitions under Section 482 Cr.P.C. for a direction to the trial court not to proceed in the two cases, before supplemental final report is submitted in the other five cases, where further investigation is ordered. Pending the two proceedings, this Court granted stay of proceedings in the

trial court. Now, the prosecution wants cancellation of the stay order.

2. On hearing both sides, I find that the Crl.M.C. itself can be disposed of. Now, it is submitted that one case out of the five wherein further investigation is ordered by the trial court, stands referred, and that the police has submitted supplemental final report in the other four cases. In such a situation, these two proceedings need not continue. The petitioner's prayer appears to be that all the six cases now will have to be tried simultaneously. That is a matter to be looked into by the trial court. At this stage, this Court cannot give any such direction under Section 482 Cr.P.C. Once supplemental final report is filed in all the cases, the trial court can proceed for trial in the six cases. Let the learned trial Judge look into the different cases and see whether simultaneous trial as requested by the petitioner is necessary.

In the result, the Crl.M.C.No.3417/2014 and 3421/2014 are dismissed in limine, without being admitted to files, without prejudice to the right of the petitioner to approach the trial court for necessary application for simultaneous trial. Whether such simultaneous trial is necessary or not, will be looked into by the

trial court appropriately. Crl.M.A.No.9350/2014 will stand closed along with the Crl.M.C.

Sd/-
P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge