

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Cri.MC.No. 4892 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN SC 184/2012 of SESSIONS COURT, ERNAKULAM
CRIME NO. 2510/2011 OF THOPPUMPADY POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. JACOB, AGED 75 YEARS
S/O.CHANDI, RAMAPPAMKUZHI VEETITIL, MAVELI ROAD
MAVELI SAW MILL, THOPPUMPADI, KOCHI
2. MERI JACOB, AGED 65 YEARS
W/O.JACOB, RAMAPPAMKUZHI VEETITIL, MAVELI ROAD
MAVELI SAW MILL, THOPPUMPADI, KOCHI

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, 682031
2. PRAKASH
S/O.MARAN, NIKATHIL HOUSE, C.C.XV
39, NEAR THOPPUMPADY VILLAGE, ERNAKULAM 682013

R1 BY ADV. PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 17-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4892 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.2510/2011 OF THOPPUMPADY
POLICE STATION

ANNEXURE A2: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.2510/2011 OF
THOPPUMPADY POLICE STATION AND NOW PENDING AS SC.NO.184/2012

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.4892 of 2015 G
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Dated this the 17th day of December, 2015

O R D E R

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Petitioners are the accused in SC No.184/2012 of the Sessions Court, Ernakulam, which has arisen from Crime No.2510/2011 of Thoppumpady Police Station for the offences under Section 294(b) read with Section 34 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. According to the petitioners, they have not committed any acts as alleged against them and the offences alleged against them are not legally sustainable. According to the learned counsel for the petitioners, the allegations levelled against the petitioners are not sufficient to invite an offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said contentions resorted to by the petitioners

are based on the evidence to be adduced in the case. The present stage is too premature to consider those questions. At the same time, the learned Sessions Judge can, at the stage of Section 227 Cr.P.C., consider the said questions in case that stage is not over.

3. With the said liberty to the petitioners to bring out those aspects to the notice of the court below at the stage of Section 227 Cr.P.C., in case that stage is not over, this CrI.M.C. is disposed of.

The learned counsel for the petitioners has pointed out that the petitioners are aged and their personal presence may not be insisted in case of moving an application under Section 227 Cr.P.C. The court below shall not insist the personal presence of the petitioners till the stage of Section 227 Cr.P.C.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/17/12

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PA to Judge