

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Crl.MC.No. 5329 of 2015 ()

SC. NO.631/2014 OF DISTRICT & SESSIONS COURT, MANJERI.

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PETITIONERS/ACCUSED 1 AND 2:

- 1. VALSALAN, AGED 59 YEARS,
S/O. KUMARAN.**
- 2. SUNDARAN @ SAHADEVAN,
AGED 55 YEARS, S/O. KUMARAN,**

**BOTH THE PETITIONERS ARE
RESIDING AT VARIYATHUVALAPPIL HOUSE,
MUTHOOR P.O., NEAR KALYANIKAVU TEMPLE,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.JAMSHEED HAFIZ.

RESPONDENT/STATE & DEFACTO COMPLAINANT & INJURED:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.**
- 2. SUDHEESH, AGED 35 YEARS,
S/O. SREEDHARAN.**
- 3. SAROJINI, W/O. SREEDHARAN.**
- 4. SREEDHARAN, S/O. KUNJUNNI.**

**THE RESPONDENTS 2 TO 4 ARE RESIDING AT
KIZHAVANCHERY HOUSE, MUTHOOR P.O, PIN- 676 105,
EAR KALYANIKAVU TEMPLE, TIRUR TALUK,
MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.P. MAYA.
R2 TO R4 BY ADV. SRI.T.G.RAJENDRAN.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- A - A TRUE COPY OF THE FIR IN CRIME NO. 445/2014 OF PONNANI POLICE STATION DATED 04.05.2014.**
- B - A TRUE COPY OF THE CHARGE SHEET IN SC.631/2014 BEFORE THE DISTRICT AND SESSIONS JUDGE MANJERI DATED 14.07.2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 5329 of 2015
.....

Dated this the 8th day of December, 2015

ORDER

Petitioners are the accused in S.C.No.631/2014 of the Sessions Court, Manjeri, registered for the offences punishable under Sections 341, 323, 324, 354 and 308 read with Section 34 of the Indian Penal Code. The case had arisen from Crime No.445/2014 of the Ponnani Police Station.

2. According to the learned counsel for the petitioners, the allegations in the final report will not constitute an offence under Section 354 IPC.

3. On hearing the learned counsel for the petitioners and on going through the final report, it seems that there are allegations to bring out the said offence. Of course, the

correctness of those allegations is yet to be proved. This Court, at this stage, cannot go into the intrinsic particulars of the evidence collected by the investigating officer and weigh the evidence properly. If the petitioners want to move the court below under Section 227 Cr.P.C., they can file an application before the court below seeking discharge, and in such case, the court below shall consider those aspects under Section 227 Cr.P.C.

With liberty to the petitioners to move the court below under Section 227 Cr.P.C., this Crl.M.C. is closed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge