

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

CrI.MC.No. 5571 of 2015 ()

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CC. NO.986/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PEERUMEDU,
IDUKKI DISTRICT.**

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PETITIONER/2ND ACCUSED:

**K.I. VARGHESE @ VAKKAPPAN, AGED 70 YEARS,
S/O. ITTI AVIRA, KIZHAKKETHALAKKAL VEEDU,
KUMILI KARA, KUMILI VILLAGE, IDUKKI DISTRICT-685 601.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL),
SRI.C.Y.VINOD KUMAR.**

RESPONDENTS/COMPLAINANT:

**STATE OF KERALA,
(REP. BY THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID OCW II, CR. NO.349/CR/OCWI/TVM-10 OF CBCID HQ,
THIRUVANANTHAPURAM, IDUKKI SUB UNIT, THODUPUZHA),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.P. MAYA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE A1 : COPY OF THE FINAL REPORT IN CR.NO.349/CR/OCWI/TVM-10 OF CBCID HQ, THIRUVANANTHAPURAM, IN CC NO.986/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, PEERUMEDU.

ANNEXURE A2 : COPY OF THE MEDICAL CERTIFICATE DTD.14.04.2015 ISSUED FROM PERIYAR HOSPITAL, KUMILY.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.5571 of 2015 E
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Dated this the 28th day of September, 2015

O R D E R

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Petitioner is the 2nd accused in CC No.986/2014 of the Judicial First Class Magistrate's Court, Peerumedu, which has arisen from Crime No.349/CR/OCWI/TVM-10. According to the petitioner, there is no documentary evidence to prove the allegations against him and, therefore, no purpose would be served in proceeding with the trial as against him.

2. The learned Public Prosecutor has pointed out that witnesses have spoken with regard to his involvement in the matter.

3. Whether the witnesses will support the prosecution or not is not a question that can be considered

at present. The matter requires evidence. The present stage is too premature to quash the proceedings against the petitioner. Of course, the petitioner can move the court below through an application under Section 239 Cr.P.C. at that stage and seek a discharge, if entitled to.

With the said liberty to the petitioner, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/09

// True Copy //

PA to Judge