

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Crl.MC.No. 5772 of 2015

**JUDGMENT DATED 24-06-2015 IN SC 852/2013 OF III ADDL. DISTRICT COURT,
PALAKKAD
SC 573/2015 OF ADDITIONAL DISTRICT COURT (FAST TRACK - I), PALAKKAD
CRIME NO. 1122/2012 OF MANNARKKAD POLICE STATION, PALAKKAD**
.....

PETITIONER(S)/ACCUSED NO.1:

**SUBRAMANIAN, AGED 28 YEARS,
S/O.NARAYANAN, CHAKKAMTHODIVEEDU, KALLADIKODE,
PALAKAD - 678 582.**

BY ADV. SRI.T.K.SANDEEP

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. MUJEEB, AGED 35 YEARS,
S/O.MUHAMMEDALI, KALIPARAMBIL HOUSE, CHUNKAM,
KALLADIKODE, PALAKKAD - 678 582.**
- 3. SHAJAHAN, AGED 33 YEARS,
S/O.MUHAMMEDALI, PULIKUNNATHUVEEDU, KALLADIKODE DESOM,
KARIMPRA NO.II VILLAGE, PALAKKAD - 678 582.**

**R1 BY PUBLIC PROSECUTOR SRI.R.RANJITH
R2 & R3 BY ADV. SRI.GOKUL DAS V.V.H.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- A1: A TRUE COPY OF THE FINAL REPORT DATED 12/3/2012 FILED BY THE S.I OF
POLICE MANNARKKAD IN CRIME 1122/2012.**
- AII: A TRUE COPY OF THE JUDGMENT DATED 24/6/2015 IN S.C 852/2013 BY ADDL.
DISTRICT & SESSIONS COURT, PALAKKAD III.**
- AIII: A TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT
MUJEEB DATED 19/8/2015.**
- AIV: A TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT
SHAJAHAN DATED 19/8/2015**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.5772 of 2015

Dated this the 25th day of August 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. Petitioner was the accused in Crime No.1122 of 2011 of Mannarkkad Police station registered for the offences under Secs.143, 147, 148, 308, 323, 324, 326 and 341 read with Sec.149 of the Indian Penal Code. The case was taken on file by the Additional Sessions Court (Fast Track-I), Palakkad. As the petitioner was absconding, the trial was proceeded with as against the co-accused. The trial ended in acquittal of the co-accused. The case against the petitioner was split up. Now it has been refiled as S.C. No.573 of 2015. The prayer is to quash the proceedings on the ground that no offence is made out against the petitioner and the matter has been settled.

2. Heard both sides.

3. If the materials relied on by the prosecution do not disclose commission of any offence by the

petitioner, his remedy is to plead for discharge. The second ground is that the matter has been settled. The petitioner has been absconding for three years. Now he wants to take the benefit of acquittal of the co-accused. The Court cannot take notice of the alleged settlement. It is against public interest to allow his prayer.

In the result, this Crl.M.C. is dismissed.

Learned counsel submits that the petitioner will be surrender before the trial court. He may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge