

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Crl.MC.No. 5783 of 2015

SC 279/2015 OF ADDITIONAL SESSIONS COURT, MUTTAM, THODUPUZHA
.....

PETITIONER(S)/ACCUSED NO.1:

**SHIJU JOSEPH, AGED 35,
S/O.JOSEPH, VETTUKUZHAYIL HOUSE, UPPUTHARA,
IDUKKI.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. JINESH JOSEPH, AGED 33,
S/O.JOSEPH ABRAHAM, KOTTIRIKKAL HOUSE, MATTUKATTA,
AYYAPPANKOVIL, KATTAPPANA, IDUKKI,
PIN - 685 515.**

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE-A1: THE CERTIFIED COPY OF THE FINAL REPORT IN S.C.NO.279/2015.

**ANNEXURE-A2: THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT
NO.201/2002 OF UPPUTHURA POLICE STATION.**

**ANNEXURE-A3: THE CERTIFIED COPY OF THE F.I. STATEMENT OF THE
2ND RESPONDENT.**

**ANNEXURE-A4: THE CERTIFIED COPY OF THE WOUND CERTIFICATE OF THE
2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.5783 of 2015
.....

Dated this the 2nd day of September, 2015

ORDER

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Initially, a crime was registered as Crime No.201/2012 of the Upputhara Police Station alleging offences punishable under Sections 323, 324, 308 and 120B read with Section 34 IPC. The petitioner is the 1st accused. The allegation against the petitioner and the other accused as contained in Annexure-A3 F.I.Statement reveals that the de facto complainant was beaten up on his back and legs with iron rod. Apart from that, there was no allegation at that time that he was beaten on his head with the iron rod and that he evaded it. After investigation, the police have filed Annexure-A1 final report. When final report has been filed, offences under Sections 308 and 120B IPC are also seen incorporated.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and perused the records.

3. On a perusal of Ext.A4 wound certificate and the F.I.

Statement, it has come out that there are no sufficient ingredients to attract an offence under Section 308 IPC. Over and above it, the records do not reveal the ingredients of an offence under Section 120B IPC also.

4. Presently, the matter has been committed to the Court of Sessions and is pending as Sessions Case No.279/2015, in Thodupuzha Sessions division. There are no ingredients to constitute offences under Sections 308 and 120B IPC in the matter and therefore, the said offences from the final report are quashed. The court below shall take note of that aspect and pass appropriate orders by applying Section 228(1) (a) Cr.P.C.

With the said directions, this CrI.M.C. is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/09

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PA to Judge