

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.MC.No. 5784 of 2015 ()

**SC. NO.448/2015 OF ADDITIONAL SESSIONS (SPECIAL COURT FOR THE TRIAL OF
MARAD CASES), KOZHIKODE.**

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PETITIONERS/ACCUSED NO.7, 11 & 4:

- 1. KUNHIPARAMBATH ABDU RASAK,
S/O.SOOPPY, VANIMEL P.O., NADAPURAM,
VATAKARA TALUK, KOZHIKODE DISTRICT.**
- 2. K.P. KUNJABDULLA, S/O.AMMED,
KATILPARAMBATH HOUSE, VANIMEL P.O.,
NADAPURAM, VATAKARA TALUK, KOZHIKODE DISTRICT.**
- 3. KATILPARAMBATH ANVAR, S/O.AMMED,
KATILPARAMBATH HOUSE, VANIMEL P.O.,
NADAPURAM, VATAKARA TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW.

RESPONDENTS/COMPLAINANTS:

- 1. JINEESH, S/O.CHANDRAN,
PUTHARAMEL HOUSE, VANIMEL P.O.,
NADAPURAM, VATAKARA TALUK,
KOZHIKODE DISTRICT-673 001.**
- 2. THE SUB INSPECTOR OF POLICE,
VALAYAM POLICE STATION,
KOZHIKODE DISTRICT- 673 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R1 BY ADV. SRI.C.C.ANOOP.

R2 & R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE-A1:** TRUE COPY OF THE FINAL REPORT IN S.C.448/2015 ON THE FILE OF ADDL. SESSIONS COURT, KOZHIKODE.
- ANNEXURE-A2:** TRUE COPY OF THE COMMON JUDGMENT IN S.C.712/2014 AND S.C.1014/2014 DATED 20.03.2015.
- ANNEXURE-A3:** TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONERS AND THE DEFACTO COMPLAINANT.
- ANNEXURE-A4:** TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 5784 of 2015

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Dated this the 7th day of September, 2015

O R D E R

Petitioners are A7, A11 and A4 respectively in Crime No.536/2013 of the Valayam Police Station, registered for the offences under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

2. The other accused persons face the trial through two Sessions Cases, namely, 712/2014 and 1014/2014 before the Special Additional Sessions Court (Maradu Cases), Kozhikode. All those accused were acquitted through an order of acquittal under Section 232 Cr.P.C. These petitioners were absconding and they could not face the trial. Presently, the case against them is pending as S.C 448/2015 before the court below.

3. According to the petitioners, the matter has been settled between them and the de facto complainant as well as the other injured and therefore, no fruitful purpose would be served even if a continued trial is carried out.

4. Even though an offence under Section 308 IPC has also been alleged, there are no ingredients in the matter to invite an offence under Section 308 IPC. Apart from a complaint of pain in the wound certificate, no injuries were there so as to invite an offence of attempt to commit culpable homicide.

5. Considering the said aspects, and the fact that the other accused were acquitted under Section 232 Cr.P.C., this Court is satisfied that apart from sheer waste of time, no purpose would be served in continuing with the matter. Matters being so, all the proceedings in S.C No.448/2015 so far as it relate to the petitioners, can be quashed.

In the result, this Crl.M.C is allowed. Annexure A1 final report in Crime No.536/2013 of the Valayam Police Station and all further proceedings against the petitioners in

S.C.No.448/2015 pending before the Additional Sessions Court (Maradu cases), Kozhikode, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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