

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

CrI.MC.No. 5910 of 2015 ()

CRIME NO. 2509/2014 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER(S):

1. RATHEESH, AGED 38 YEARS,
S/O.RAJENDRAN, RESIDING AT KAPYANATH KARIYIL,
VARANAD P.O., CHERTHALA, ALAPPUZHA DISTRICT.
2. SUDHEESH, AGED 32 YEARS,
S/O.DASAN, RESIDING AT CHIRAYIL HOUSE,
THANNERMUKKAM P.O., CHERTHALA,
ALAPPUZHA DISTRICT.

**BY ADVS.SRI.M.M.NIAS
SRI.AJOY VENU**

RESPONDENT(S)/STATE & COMPLAINANT :

1. SUB INSPECTOR OF POLICE,
CHERTHALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN -682 031.
2. SREEKUMAR,S/O.CHANDRAHASSAN, AGED 38 YEARS,
CHITHAMOOOL HOUSE, SANATHANAM WARD,
SANATHANAM P.O., ALAPPUZHA- 688 001.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 5910 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.2509/2014 OF CHERTHALA POLICE STATION**

**ANNEX A2: NOTARY ATTESTED AFFIDAVIT SIGNED BY 2ND RESPONDENT DATED
13/8/2015**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.5910 of 2015
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Dated this the 25th day of September, 2015

O R D E R

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Petitioners are the accused in Crime No.2509/2014 of Cherthala Police Station registered for the offences punishable under Sections 294(b) and 353 read with Section 34 IPC. The allegation against the petitioners is that they have attacked a public servant while he was discharging his official duty and he was beaten up. It seems that presently, the petitioners could procure a condonation from the victim and a notarised affidavit has been filed as Annexure-2. Presently, it is the case of the de facto complainant that the registration number of the motor bike narrated by him to the police was a mistake and it was some other motor bike that was involved. This Court cannot

entertain a settlement arrived at between the parties at this stage.

2. In case there is mistaken identity, the matter can be brought to the notice of the investigating officer so that the investigating officer can enquire about it and investigate the matter properly.

With the said observations, this CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/09

// True Copy //

PA to Judge