

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Crl.MC.No. 5999 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 449/2013 of J.M.F.C., VAIKOM.

PETITIONER(S) / ACCUSED :-:

SIBY STEPHEN, AGED 46 YEARS,
S/O.STEPHEN, NJARALAKATTU, THURUTHIYIL HOUSE,
KOTHANELLOOR P.O., KOTTAYAM DISTRICT.

BY ADVS.SRI.MARTIN D.ALUMKARA
SMT.R.RAJASREE (CHUTTIMATTATHIL)

RESPONDENT(S) / STATE & DEFACTO COMPLAINANT :-:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI
PIN - 682 031.
 2. P.V.THOMAS, AGED 43 YEARS,
S/O.VARKEY, PANNIKOTIL, THALAYOLAPARAMBU P.O.,
VADAYAR VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT. (DECEASED) PIN - 686 605.

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

:2:

Crl.MC.No. 5999 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

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ANNEXURE A1. TRUE COPY OF THE FIR NO.183/2013 LODGED BY THE
ADDITIONAL SUB INSPECTOR OF POLICE, THALAYOLAPARAMBU
POLICE STATION.

ANNEXURE A2. TRUE COPY OF THE CHARGE SHEET IN C.C.449/13 OF JFCM
COURT, VAIKOM.

ANNEXURE A3. TRUE COPY OF THE MAHAZAR PREPARED BY THE ADDITIONAL
SUB INSPECTOR OF POLICE, THALAYOLAPARAMB POLICE
STATION.

ANNEXURE A4. THE COPY OF THE STATEMENT GIVEN BY ANCY.

ANNEXURE A5. THE COPY OF THE STATEMENT GIVEN BY ANIL.

ANNEXURE A6. THE COPY OF THE STATEMENT GIVEN BY JOSEPH.

ANNEXURE A7. THE COPY OF THE STATEMENT GIVEN BY BABY.

ANNEXURE A8. THE COPY OF THE STATEMENT GIVEN BY BENNY KURIAKOSE.

RESPONDENT(S) ' EXHIBITS

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// True Copy//

P.A. to Judge

SS

K. RAMAKRISHNAN, J.

Crl.M.C No.5999 of 2015

Dated this the 14th day of September, 2015

ORDER

When this petition came up for hearing today, the counsel for the petitioner submitted that, he has not appeared and charge has not been framed and he is permitted to surrender and apply for discharge and if such an application is filed, he wants only a direction be given to the magistrate to consider and dispose of the application.

The above submission made by the counsel for the petitioner is recorded. Since it is an offence for which punishment has been provided up to 7 years, he will be getting an opportunity of hearing on the question of framing charge, for which he will have to appear and apply for the same. If the petitioner surrenders before the court below and moves for recalling the warrant if any issued against him and released him on bail and also files an application

for discharge, if charge is not framed, then court below is directed to consider and dispose of those applications in accordance with law, after hearing the Assistant Public Prosecutor of that court at the earliest possible time. But the bail application will have to be disposed of on the date of filing of the application itself, considering the fact that it is a bailable offence.

With the above direction and observation, the petition is disposed of.

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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