

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 6077 of 2015

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CC 61/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMKOTTA.
CRIME NO. 111/2010 OF SASTHAMKOTTA POLICE STATION , KOLLAM.
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PETITIONER/9TH ACCUSED:

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SHARAN KUMAR @ SARAN,
AGED 25 YEARS, S/O.SASI KUMAR,
PADMA MANDIRAM, CHAKKUVALLY MURI,
SHOORANADU VILLAGE, KOLLAM - 690 522.**

BY ADV. SRI.RAJIT

RESPONDENT/STATE:

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STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A- CERTIFIED COPY OF THE FINAL REPORT.**
- ANNEXURE B- TRUE COPY OF THE ADVICE FOR APPOINTMENT ISSUED BY
THE KERALA PUBLIC SERVICE COMMISSION TO THE
PETITIONER DATED 19.5.2015.**
- ANNEXURE C- CERTIFIED COPY OF THE ORDER DATED 4.9.2015 IN
CMP NO.369/2015 IN C.C.NO.61/2011 OF THE LEARNED JFCM,
SASTHAMKOTTA, ARISING FROM CRIME NO.111/2010 OF THE
SASTHAMKOTTA POLICE.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6077 of 2015

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Dated this the 5th day of October, 2015

ORDER

The petitioner is the 9th accused in C.C No.61/11 pending before the court below. It has been pointed out that 9th accused has got an employment now and he can join duty, only after termination of this case. It seems that initially the Government has decided to withdraw the prosecution under Section 321 Cr.P.C. On such an application, the court below was not inclined to grant permission to withdraw the prosecution.

2. At the same time, even though the petitioner has been appearing before the court below for the period from 2011 onwards, the trial has not been commenced solely on the ground that only A3, A5, the petitioner and A10 only have appeared before the court and the other accused are at large. That is not a ground to dispense with the trial of

the case against the petitioner and the other accused, who are appearing before the court below.

3. Especially, when the court below has chosen not to permit the withdrawal of the prosecution under Section 321 Cr.P.C., the court below has to take note of the fact that the petitioner has got an employment and he is eager to join duty. The court below shall split up the case against the accused, who are not appearing before the court below and dispose of the case against the petitioner and the other accused, who are appearing before the court below, expeditiously.

With the said direction, this Crl.M.C is closed.

Sd/-
B.KEMAL PASHA, JUDGE

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