

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6082 of 2015

CRIME NO. 105/2014 OF THIRUVALLAM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED:

**S K VIJAYASANKAR, S/O.KRISHNAN NAIR, AGED 52 YEARS,
KUNDARATHALA VEEDU, NEAR AGRICULTURAL COLLEGE,
POONKULAM, VELLAYANI PO, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH
SMT.P.SHEENA RAJAN
SMT.RESHMA G.MENON**

RESPONDENT(S)/COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM, PIN 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
THIRUVALLAM POLICE STATION, PIN 695 114.**
- 3. VIJU, S/O.KRISHNAN,
AGED 52 YEARS, PUTHUVIL POTTAVILA VEEDU,
PADINJARE POONKULAM, PACHALLOOR DESOM,
THIRUVALLAM VILLAGE, THIRUVANANTHAPURAM,
PIN - 695 114.**

BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6082 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNX.I - A CERTIFIED COPY OF FIR IN CRIME NO.105/2015 OF THIRUVALLAM
POLICE STATION.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 6082 of 2015

.....
Dated this the 15th day of September, 2015

ORDER

Petitioner is the accused in Crime No.105/2014 of the Thiruvallam Police Station, which was registered for the offences punishable under Sections 294(b) IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

2. The case of the defacto complainant is that he was called his caste name and was abused by the petitioner in a private property at 9.30 a.m. on 4.2.2013. Apart from the said allegation, he has no case that he was ridiculed or abused and was called his caste name in public view. As per Section 3(1)(x) of the Act, an offence under Section 3(1)(x) can be attracted only when a member of a scheduled

caste or scheduled tribe is intentionally insulted or intimidated with intent to humiliate him or her within public view. When there is no such allegation that such an act is committed by the petitioner in public view or with intent to humiliate him, an offence under Section 3(1)(x) of the Act cannot be attracted.

In the result, this Crl.M.C. is allowed in part, and the offence under Section 3(1)(x) of the Act, incorporated in Annexure-1 FIR, is hereby, quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge