

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

Cr1.MC.No. 6152 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN SC 15/2011 of ADL.SUB COURT, THALASSERY
DATED

AGAINST THE ORDER/JUDGMENT IN LPC 13/2011 of J.M.F.C., TALIPARAMBA

PETITIONER(S)/PETITIONER/ACCUSED NO.1:

SUNIL AGED 29 YEARS
S/O. RAJU, VALIYAVEEDU HOUSE, TALIPARAMBA P.O.
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.C.A.JOSEPH

RESPONDENT(S)/RESPONDENTS/COMPLAINANT 1 & 2/DEFACTO COMPLAINANT NO.3:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE STATION HOUSE OFFICER
TALIPARAMBA POLICE STATION, KANNUR DISTRICT-670141.

3. NARAYANAN M.V.
S/O. RAYARAPPAN, MADAYI VEEDU, P.O.SREKANDAPURAM
KANNUR DISTRICT-670631.

R3 BY ADV. SMT.AYSHA RAHMAN
R1 AND R2 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:

Cr1.MC.No. 6152 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A- TRUE COPY OF FIR NO. 898/2008.

ANNEXURE B- TRUE COPY OF THE JUDGMENT IN S.C.NO. 15/11 DT. 23-6-2015.

ANNEXURE C- TRUE COPY OF THE DEPOSITION OF PW1.

ANNEXURE D- TRUE COPY OF THE AFFIDAVIT SIGNED BY THE DEFACTO
COMPLAINANT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

vgs

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 6152 of 2015
.....

Dated this the 15th day of September, 2015

ORDER

The petitioner is the first accused in Crime No.898 of 2008 of the Taliparamba Police Station, presently pending as L.P.C.No.13 of 2011 in C.P.No.70/2010 of the Judicial First Class Magistrate's Court, Taliparamba.

2. The case against the petitioner is not committed as the petitioner is absconding and the same is still pending as LP case.

3. The learned counsel for the petitioner has pointed out that all the other accused in the case were acquitted by the Additional Assistant Sessions Court, Taliparamba in S.C.No.15/2011. The petitioner cannot seek the aid of the said judgment, as the acquittal was on the ground of want of identification of the accused. The petitioner was not present

in the dock. Considering the seriousness of the allegations against the petitioner in the matter, this is not a fit case wherein the compromise entered into between the petitioner and the 3rd respondent can be accepted by this Court. It is for the petitioner to surrender before the court below, seek bail, and continue with the proceedings. In case of his surrender before the court below, and on his moving for bail, the court below shall dispose of the application on the same day itself, provided advance notice is served on the concerned Assistant Public Prosecutor in charge of the case.

With the above observation, this Crl.M.C is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge