

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

CrI.MC.No. 6206 of 2015 ()

AGAINST THE JUDGMENT IN CC 601/2014 of J.M.F.C. - I, NORTH PARAVUR
CRIME NO. 952/2013 OF VARAPPUZHA POLICE STATION , ERNAKULAM

PETITIONER:

KANNAN, AGED 43 YEARS,
S/O KUTTAPPAN, EDAVANAPARAMBU HOUSE,
KOTTUVALLY
KAITHARAM PO, ERNAKULAM DISTRICT

BY ADV. SMT.P.R.REENA

RESPONDENTS/STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031
 2. SUB INSPECTOR OF POLICE
VARAPUZZHA POLICE STATION, VARAPUZZHA
ERNAKULAM DISTRICT, PIN- 683 517
 3. DEPUTY SUPERINTENDENT OF POLICE
NORTH PARAVUR, ERNAKULAM DISTRICT. 683 513
- BY PUBLIC PROSECUTOR SMT. SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 6206 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE 1 TRUE COPY OF THE COMPLAINT FILED BEFOR THE VARAPUZHA POLICE STATION
DATED 12/9/13

ANNEXURE II TRUE COPY OF THE FIR CR. NO. 952/13 OF VARAPUZHA POLICE STATION

ANNEXURE III TRUE COPY OF THE FIR IN CR. NO. 929/13 OF VARAPUZHA POLICE STATION

ANNEXURE VI TRUE COPY OF THE CHARGE SHEET FILED BY 2ND RESPONDENT IN CR. NO.
929/13

RESPONDENTS' EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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K. RAMAKRISHNAN, J.

.....
Crl.M.C.No.6206 of 2015

.....
Dated this the 23rd day of September, 2015.

O R D E R

This petition is filed by the petitioner seeking intervention of this Court to issue a direction to the Judicial First Class Magistrate, North Paravur to postpone trial of C.C.No.601/2014 till final report is filed in Crime No.952/2013 of Varapuzha police station under section 482 of the Code of Criminal Procedure.

2. It is alleged in the petition that on 7.9.2013, one Babu, who is residing near the house of the petitioner, came to the petitioner's house in drunken state. Petitioner's 13 year old daughter Aswathy was alone in the house and he removed his dhothy and caught hold of the petitioner's daughter with obvious intention to sexually harass her. When she cried out, the petitioner and his brother reached there. By that time Babu was found without dothy and with much difficulty petitioner and his brother had removed him from the house. Thereafter petitioner's wife and daughter filed a complaint before the Varapuzha police station and though a case was registered, even after two years, no investigation is conducted

and no final report was filed. Annexure-I is the complaint given and Annexure-II is the crime registered as Crime No.952/2013 of Varappuzha police station. In order to escape from the same, the said Babu filed another complaint before the second respondent, on the basis of which Annexure-III First Information Report was registered as Crime No.929/2013 of Varappuzha police station alleging offences under sections 294(b), 323, 324 and 326 of the Indian Penal Code against the petitioner and after investigation Annexure-IV final report was filed in that case and it was taken on file as C.C.No.601/2014 on the file of the Judicial First Class Magistrate Court, North Paravur and the Magistrate is insisting for proceeding with trial and if the trial of that case is conducted without getting final report in Annexure-II First Information Report, it will cause prejudice to the petitioner. So the petitioner has no other remedy except to approach this Court seeking the following reliefs:

“(i) direct the 2nd respondent to complete the investigation in Anne.II crime within such time as may be fixed by this Hon'ble Court.

(ii) direct the Judicial First Class Magistrate Court, North Paravur to adjourn the trial in C.C.No.601/2014 until the final report is filed in Anne.II crime”.

3. When the application came up for hearing on the last hearing date, learned Public Prosecutor Smt. Sareena George

submitted that investigation in Crime No.952/2013 of Varappzuha police station was completed and final report was filed and it was taken on file as C.C.No.756/2014 ad pending before the Judicial First Class Magistrate, North Paravur. When this was pointed out, counsel sought time to get instructions from his client.

4. When the case came up for hearing today, counsel for the petitioner submitted that in view of the fact that final report has already been filed in respect of Annexure-II crime and it was taken on file, he wants to file an application before the concerned Magistrate for simultaneous trial. Since the prayer in the petition has become infrutuous as final report has already been filed, this petition is disposed of with liberty for the petitioner to move the Magistrate court itself for simultaneous disposal of the case as it is case and counter and if such an application is filed, it is for the Magistrate to consider and pass appropriate orders in that application in accordance with law.

With the above liberty, this petition is disposed of.

Sd/-
K. RAMAKRISHNAN, JUDGE.

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/true copy/
P.S to Judge

