

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 6303 of 2015

JUDGMENT DATED 28-08-2013 IN SC 100/2013 of ADDL. DISTRICT COURT, VADAKARA
CRIME NO. 747/2006 OF VATAKARA POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED:

NIDHEESH, AGED 34 YEARS,
S/O.KUNHIKKANNAN, MUKKOLI MALAYIL HOUSE,
NADAKKUTHAZHA AMSAM, PUTHUPPANAM DESAM, VATAKARA,
KOZHIKODE DISTRICT, PIN-673 104.

BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENT(S)/STATE D-FACTO COMPLAINANT AND INJURED:

1. STATE OF KERALA,
(REP. BY C.I. OF POLICE, VATAKARA POLICE STATION,
VATAKARA, KOZHIKODE DISTRICT)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.
2. SUDHEESH, AGED 34 YEARS,
S/O.SURENDRAN, MUDIRAKKALIL HOUSE, NADAKKUTHAZHA AMSAM,
PUTHUPPANAM DESAM, VATAKARA
KOZHIKODE DISTRICT, PIN-673 104.
3. SURENDRAN, AGED 56 YEARS,
S/O.KELAN, MUDIRAKKALIL HOUSE, NADAKKUTHAZHA AMSAM,
PUTHUPPANAM DESAM, VATAKARA,
KOZHIKODE DISTRICT, PIN-673 104.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 & R3 BY ADV. SRI.R.RAJESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 6303 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I- CERTIFIED COPY OF THE FINAL REPORT FILED BY VATAKARA POLICE
IN CRIME NO.747/2006, NOW PENDING BEFORE ADDL. DISTRICT
COURT, VATAKARA AS SC 788/2013 AGAINST THE PETITIONER.**

**ANNEXURE II- TRUE COPY OF THE JUDGMENT DATED 28.09.2013 IN SC 100/2013 OF
ADDL. DISTRICT AND SESSIONS COURT, VATAKARA.**

**ANNEXURE III- ORIGINAL OF THE JOINT AFFIDAVIT SWORN BY THE RESPONDENT
2 AND 3.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
CRL. M.C. No. 6303 of 2015
.....

Dated this the 28th day of September, 2015

ORDER

Originally, the petitioner was the 8th accused in Crime No.747/2006 of the Vatakara Police Station registered for the offences punishable under Sections 143, 147, 148, 450, 324, 326, 427 and 307 of the Indian Penal Code read with Section 149 IPC, and Sections 3 and 5 of the Explosive Substances Act, 1908.

2. As the petitioner was absconding, the case against the other seven accused was committed to the Sessions Court and the case was numbered as S.C.No.100/2013. The said sessions case ended in an acquittal.

3. According to the petitioner, the case against him

was split up by the committal court and presently it is pending as S.C.No.788/13 before the Additional District Court, Vatakara.

4. It is the case of the petitioner that no purpose will be served by proceeding with the trial as the other case has ended in acquittal. Those matters do not weigh this Court at present. It is true that a settlement has been arrived at between the parties in a grave offence like this; but this Court cannot accept or approve any such settlement arrived at between the parties. When the matter has been settled between the parties, the court below can take the case out of turn and schedule it for trial.

With the said observation, this Crl.M.C. is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge