

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

CrI.MC.No. 6419 of 2015 ()

**SC.NO. 515/2013 OF ADDL.DISTRICT AND SESSIONS COURT (ADHOC-III),
NORTH PARAVUR
CRIME NO. 312/2003 OF ANGAMALY POLICE STATION, ERNAKULAM DISTRICT**

PETITIONER/ACCUSED NO. 3 :

**SHIJU, AGED 35 YEARS, S/O.RAJAN,
THATTIL HOUSE, THENALI KARA, MATTOOR VILLAGE,
ERNAKULAM.**

**BY ADVS.SRI.G.SANTHOSH KUMAR
SMT.G.R.ANITHA KUMARI**

RESPONDENT(S)/DE FACTO COMPLAINANT & STATE :

- 1. SUMESH, S/O.RAJAN,
MUKANNUR VILLAGE, PUTHAN VEETIL,
EDACODE-683 101**
- 2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31**

R2 BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

CRL.MC.NO.6419/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 COPY OF THE CHARGE SHEET IN CRIME NO.312/2003 OF ANGAMALY
POLICE STATION**

**ANNEX II COPY OF THE JUDGMENT IN S.C.126/2010 OF THE ADDL.DISTRICT
AND SESSIONS JUDGE (ADHOC-III), NORTH PARAVUR.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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CRL.M.C. No.6419 of 2015

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Dated this the 30th day of September, 2015

ORDER

Originally the petitioner was the 3rd accused in C.P.No.3 of 2010 for the offences punishable under Sections 143, 148, 341 and 307 IPC read with Section 149 IPC.

2. According to the petitioner he was unaware of the case and therefore, he could not appear before the court below. The case against A1 and A4 to A7 was committed and it was taken on file as S.C.No.126 of 2010. The 2nd accused in the crime is no more. The trial of A1 and A4 to A7 is ended in acquittal. The case against the petitioner is presently pending as S.C.No.515 of 2013 before the Additional Sessions Court (Adhoc-III), North Paravur. In a serious offences like these, the petitioner cannot be permitted to encash the judgment of acquittal passed as against the other

accused. Of course, the matter can be brought to the notice of the court below at the time of framing of charges under Section 227 Cr.P.C.

With the said liberty, this Crl.M.C. is dismissed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/1/10/15

// True Copy //

P.A. To Judge