

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937**

**Crl.MC.No. 6521 of 2015**

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CRMP 2319/2015O SESSIONS COURT, PATHANAMTHITTA.  
CRIME NO. 66/2015 OF ADOOR EXCISE RANGE, PATHANAMTHITTA.**

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**PETITIONER(S)/ACCUSED NO.2 & 3:**

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- 1. RAJEEV, AGED 42 YEARS, S/O.BRAHMAVRITHAN,  
RAJEEVAM VEEDU, THOOVAYOOR THEKKU MURI,  
KADAMPANAD VILLAGE, ADOOR TALUK,  
PATHANAMTHITTA DIST.**
- 2. ANISHKUMAR, AGED 36 YEARS, S/O.RAJAN,  
RAJESH BHAVAN, ANTHICHIRA DESOM,  
THOOVAYOOR VADAKKU MURI, KADAMPANAD VILLAGE,  
ADOOR TALUK, PATHANAMTHITTA DIST.**

**BY ADVS.SRI.V.SETHUNATH  
SRI.V.R.MANORANJAN (MUVATTUPUZHA)**

**RESPONDENT(S)/COMPLAINANT/STATE:**

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- 1. THE EXCISE INSPECTOR,  
ADOOR EXCISE CIRCLE OFFICE, ADOOR P.O.,  
PATHANAMTHITTA DIST., PIN - 690 123.**
- 2. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN: 682 031.**

**BY PUBLIC PROSECUTOR SMT.P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

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**APPENDIX**

**PETITIONER(S)' ANNEXURES :**  
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- ANNEXURE 1:** THE TRUE COPY OF THE REMAND APPLICATION FILED BY THE 1ST RESPONDENT IN CRIME NO.66/2015 OF ADOOR EXCISE RANGE.
- ANNEXURE 2:** THE TRUE COPY OF THE ORDER OF THE HON: SESSIONS COURT, PATHANAMTHITTA IN CR.M.P. NO.1089/2015.
- ANNEXURE 3:** THE TRUE COPY OF THE REMAND APPLICATION IN CRIME NO.817/2015 OF ENATHU POLICE STATION.
- ANNEXURE 4:** THE TRUE COPY OF THE POLICE CUSTODY APPLICATION FILED BY THE INVESTIGATING OFFICER IN CRIME NO.817/2015 OF ENATHU POLICE STATION.
- ANNEXURE 5:** THE TRUE COPY OF THE APPLICATION FILED BY THE 1ST RESPONDENT AS CR.M.P. NO.2319/2015 BEFORE THE HON'BLE SESSIONS COURT, PATHANAMTHITTA.
- ANNEXURE 6:** THE TRUE COPY OF THE ORDER IN CR.M.P NO.2319/2015 DATED 10/9/2015.
- ANNEXURE 7:** THE TRUE COPY OF THE ORDER OF THIS COURT IN BA NO.5268/2015 DATED 23/9/2015.

**RESPONDENT(S)' ANNEXURES:** NIL  
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**//TRUE COPY//**

**P.S. TO JUDGE**

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**B. KEMAL PASHA, J.**

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CRL.M.C. No. 6521 of 2015  
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Dated this the 26<sup>th</sup> day of October, 2015

**ORDER**

Annexure-6 order passed by the learned Sessions Judge, Pathanamthitta is under challenge in this Crl.M.C. By finding that the petitioners have violated the conditions imposed by the court below when they were enlarged on bail through Annexure-2 order; the court below has vacated Annexure-2 order, through Annexure-6. The main complaint of the petitioners is that at the time of passing Annexure-6 order, proper opportunity was not afforded to them, to submit their case before the court below.

2. According to the learned counsel for the petitioners, the petitioners were undergoing detention at the Sub Jail, Pathanamthitta at the time when Annexure-6 order was passed and therefore, they could not communicate

properly with their counsel. In the light of the submission made by the learned counsel for the petitioners that no fruitful opportunity was given to the petitioners to put forward their contentions, this Court is of the view that the matter requires reconsideration by the court below, for giving an opportunity to the petitioners to put forward their contentions. Matters being so, Annexure-6 order passed by the court below is only to be set aside.

In the result, this Crl.M.C. is allowed and Annexure-6 order passed by the court below is set aside. The court below shall give an opportunity to the petitioners to put forward their contentions and pass appropriate orders, in accordance with law. The petitioners shall appear before the court below in the matter on 09.11.2015.

**B.KEMAL PASHA, JUDGE**

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