

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6629 of 2015 ()

CC 1437/2007 of ADDL. DISTRICT COURT (ADHOC), KOLLAM

PETITIONERS/7TH AND 19TH ACCUSED :

- 1. SURESH, S/O.MANIYAN
KIZHEKKETHIL VEEDU, CHERUKULAM, KAIPPALLIL
KADAVOOR MURI, THRIKKADAVOOR VILLAGE(A7 IN SC 261/2013
IN THE FILE OF THE HONOURABLE ADDITIONAL DISTRICT AND SESSIONS
(ADHOC-I) COURT, KOLLAM WHICH WAS SPLIT UP FROM SC 1437/2007 IN
THE FILE OF THE SAID COURT WHICH AROSE FROM CRIME NO. 302/2006 OF
EROOR POLICE STATION)**
- 2. DILEEP, S/O.RAJENDRAN,THEKKATHIL VEEDU, KAIPPALLIL
MANNAMSSERRY KADAVOOR MURI THRIKKADAVOOR VILLAGE.
(A19 IN SC 261/2013 IN THE FILE OF THE HONOURABLE ADDITIONAL
DISTRICT AND SESSIONS (ADHOC-I) COURT, KOLLAM WHICH WAS SPLIT UP
FROM SC 1437/2007 IN THE FILE OF THE SAID COURT WHICH AROSE FROM
CRIME NO. 302/2006 OF EROOR POLICE STATION)**

BY ADV. SRI.R.KISHORE

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 6629 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.I : THE CERTIFIED COPY OF THE JUDGMENT DATED 31.01.2013 IN
SC.1437/2007 IN THE FILE OF THE ADDITIONAL DISTRICT AND
SESSIONS (ADHOC-I) COURT, KOLLAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 6629 of 2015
.....

Dated this the 2nd day of November, 2015

ORDER

Petitioners are A7 and A19 in S.C.No.261/13 of the Additional Sessions Court(Adhoc-1), Kollam. The case against them was split up from S.C.No.1437/07 of the said Court which had arisen from Crime No.302/2006 of the Eroor Police Station, for the offences punishable under Section 143, 147, 148, 323, 324, 427, 452 and 308 of the Indian Penal Code, read with Section 149 IPC.

2. Altogether, there were 21 accused in the crime. A1, A6, A7, A10, A11, A16, A19 and A21 were absconding. The trial against the other accused was proceeded with as S.C.No.1437/2007 and consequently A2, A5, A8, A12 to A15,

A17, A18 and A20 were acquitted under Section 232 Cr.P.C. through Annexure-1 order.

3. The learned counsel for the petitioners has pointed out that the matter has been amicably settled between the parties. The same is evident from Annexure-1 order. Annexure-1 order clearly reveals that the matter was settled between the parties. The witnesses had deposed before the court below that the matter was settled and they have no complaints against the accused. None of the accused were identified. Matters being so, even if the trial against the petitioners is proceeded with, there is no chance for any conviction. Therefore, all further proceedings in S.C.No.261/2013 of the Additional Sessions Court(Adhoc-1) Kollam as against the petitioners in Crime No.302/21006 of the Eroor Police Station, are liable to be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in S.C.No.261/2013 of the Additional Sessions Court(Adhoc-1) Kollam as against the petitioners in Crime

CRL.M.C.No. 6629 of 2015

-: 3 :-

No.302/21006 of the Eroor Police Station are hereby
quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge