

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Crl.MC.No. 6785 of 2015 ()

**SC.NO. 696/2011 OF ADDL. DISTRICT AND SESSIONS COURT-III, ALAPPUZHA
CRIME NO. 1019/2010 OF ALAPPUZHA NORTH POLICE STATION, ALAPPUZHA**

PETITIONERS/ACCUSED NO.1 TO 3 :

- 1. SONY,
S/O.JOHN, AGED 33 YEARS
THATTUKADU VEEDU, WARD XI
MARARIKULAM SOUTH PANCHAYATH,
ALAPPUZHA.**
- 2. TOJI,
S/O.RAPHEL, AGED 27 YEARS
KATTIKADU HOUSE, WARD NO. XI
MARARIKULAM SOUTH PANCHAYATH,
ALAPPUZHA.**
- 3. SEBASTIAN
S/O.JOSEPH, 28 YEARS
PATHU THAYYIL VEEDU, WARD VIII
MARARIKULAM SOUTH PANCHAYATH,
ALAPPUZHA.**

BY ADV. KUM.D.MINI RAJAN

RESPONDENTS/STATE OF KERALA AND DEFACTO COMPLAINANTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN-682031.**

2. VINOD VINCENT,
S/O.VINCENT, AGED 26 YEARS
VALIYAVEETIL HOUSE, WARD NO.X
MARARIKKULAM PANCHAYATH, POOMKAVU,
MARARIKULAM P.O., ALAPPUZHA, PIN-688 038.

3. VIPIN VINCENT,
S/O.VINCENT, AGED 25 YEARS
VALIYAVEETIL HOUSE, WARD NO.X
MARARIKKULAM PANCHAYATH,
POOMKAVU, MARARIKULAM P.O.
ALAPPUZHA, PIN-688038.

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 & R3 BY ADV. SRI.P.S.PRADEEP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...3/-

Crl.MC.No. 6785 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF CHARGE SHEET IN CRIME NO.1019/2010 OF THE ALAPPUZHA NORTH POLICE STATION.
- ANNEXURE A2:** TRUE COPY OF WOUND CERTIFICATE OF 2ND RESPONDENT DATED 25-10-2010.
- ANNEXURE A2(a):** TRUE COPY OF WOUND CERTIFICATE OF 3RD RESPONDENT DATED 25-10-2010.
- ANNEXURE A3:** TRUE COPY OF AFFIDAVIT SWORN BY 2ND RESPONDENT DATED 7-11-2014.
- ANNEXURE A3(a):** TRUE COPY OF AFFIDAVIT SWORN BY 3RD RESPONDENT DATED 14-10-2014.
- ANNEXURE A4:** TRUE COPY OF ORDER IN CRL.MC.NO. 4380/2015 PASSED BY THIS HON'BLE COURT DT.22-7-2015.

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

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Crl.M.C. No. 6785 of 2015

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Dated this the 4th day of November, 2015

ORDER

The petitioners are the accused in S.C.No.696 of 2011 of the Additional Sessions Court-III, Alappuzha, which has arisen from Crime No.1019 of 2010 of the Alappuzha Noth Police Station, for the offences under Sections 323, 324 and 308 read with Section 34 IPC.

2. According to the petitioners, the matter has been amicably settled between them and the defacto complainant and the other injured. The defacto complainant and the other injured have filed Annexure-A3 and Annexure-A3(a) affidavits, affirming that the matter has been amicably settled and they have no complaints or grievances against the petitioners. At the same time, on going through the allegations against the accused, it seems that, there is an allegation that one of the accused

inflicted a stab on the abdomen of CW2 with a knife. Considering the seriousness of the allegations against the petitioners, this cannot accept or endorse the settlement arrived at by the parties in a case like this. At the same time, the court below can take note of the settlement arrived at between the parties, and take the case out of turn, and dispose it of expeditiously.

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

Sd/-

B.KEMAL PASHA
JUDGE

DSV/4/11/15

// True Copy //

PA. To Judge