

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Cri.MC.No. 6946 of 2015 ()

PETITIONER(S)/9TH ACCUSED:

SAYED MOHAMMED MOINUDHEEN, AGED 24 YEARS
S/O.NALLAKOYA P.P., CHENAM KOTTIYATHAPURA HOUSE
AMINI ISLAND, U.T. OF LAKSHADWEEP.

BY ADVS.SRI.R.ROHITH
SRI.SAYED MURTHALA THANGAL
SRI.T.PNISHAD KHAN

RESPONDENT(S):

UNION TERRITORY OF LAKSHADWEEP
KAVARATTI, REPRESENTED BY THE STANDING COUNSEL
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY ADV. SRI.S.RADHAKRISHNAN,SC, LAKSHADWEEP ADMINISTRATION

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6946 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1. A TRUE COPY OF THE FIR IN CRIME NO.4/2012 DATED 22/8/2012 BY AMINI POLICE, LAKSHADWEEP.

ANNEXURE-A2. A TRUE COPY OF THE FINAL REPORT IN CC 6/2013 FILED BY THE AMNI POLICE BEFORE THE CJM COURT, AMINI.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6946 of 2015 B
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Dated this the 18th day of December, 2015

ORDER

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Heard learned counsel for the petitioner and learned Standing Counsel for the Union Territory of Lakshadweep.

2. Petitioner is the 9th accused in CC No.6/2013 of the Chief Judicial Magistrate's Court, Amini, which has arisen from Crime No.4/2012 of Amini Police Station. According to the petitioner, there are no allegations against him in the case and, therefore, the proceedings against the petitioner are quite unnecessary.

3. The learned counsel for the petitioner has pointed out that even in the court charge, specific allegations are against A1 to A4 only. It seems that the court below has stated in the court charge that the particular accused, against whom the charges have been framed, had

committed the offence in company with A1 to A4. That does not mean that the petitioner was absolved from the court charge. The learned Standing Counsel has pointed out that one of the witnesses had clearly identified and narrated about the role of the petitioner in the incident in his statement under Section 161 Cr.P.C.

4. All the contentions taken up by the petitioner are matters relating to evidence. It is too early for this Court to arrive at a conclusion as to whether any evidence would be forthcoming against the petitioner. Matters being so, the petitioner has to face the trial in the case. It is for the court below to decide the merits of the contentions of the petitioner. The petitioner is at liberty to take up all these contentions during trial.

CrI.M.C. is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/12

// True Copy //

PA to Judge