

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cri.MC.No. 6959 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 2886/2015 of J.M.F.C.-II, THRISSUR

AGAINST THE ORDER/JUDGMENT IN CC 1186/2001 of J.M.F.C.-II, THRISSUR
CRIME NO. 100/1998 OF NEDUPUZHA POLICE STATION , THRISSUR

PETITIONER(S)/ACCUSED NO.3:

BHASI @ BHASKARAN, AGED 49 YEARS
S/O.SANKARAN, PUZHAMKARA VEETIL HOUSE
POONKUNNAM SREEKRISHNA ASHRAMAM LINE
POONKUNNAM VILLAGE
THRISSUR DISTRICT NOW RESIDING AT BHASI @ BHASKARAN
S/O.SANKARAN, PUZHAMKARA HOUSE, PUTHENKOVILAKAM VILLA
ANTHIKKAD DESOM, THRISSUR DISTRICT

BY ADV. SRI.M.J.POLLY

RESPONDENT(S)/STATE/DEFACTO COMPLAINTANT:

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
 2. SUB INSPECTOR OF POLICE
NEDUPUZHA POLICE STATION, THRISSUR DISTRICT

R BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6959 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1:A CERTIFIED COPY OF THE JUDGMENT, MOTHER CASE CC.NO.1186/2001 JFCM NO.II, THRISSUR CRIME NO.100/1998 OF NEDUMPUZHA POLICE STATION

ANNEXURE A2:A CERTIFIED COPY OF THE THRISSUR JUDICIAL FIRST CLASS MAGISTRATE COURT II CHARGE SHEET IN THE CASE OF CC.NO.2886/2015 CRIME NO.100/1998 OF NEDUPUZHA POLICE STATION

ANNEXURE A3:A CERTIFIED COPY OF THE WITNESS LIST OF THE CC.NO.2886/2015 OF JFCM COURT II, THRISSUR

ANNEXURE A4:A CERTIFIED COPY OF THE SCENE MAHAZAR OF THE CC.NO.2886/2015 OF JFCM COURT II, THRISSUR

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6959 of 2015 C
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Dated this the 13th day of November, 2015

ORDER

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Petitioner was originally the 3rd accused in Crime No.100/1998 of Nedupuzha Police Station in which the final report was taken on file by the Judicial First Class Magistrate's Court-II, Thrissur as C.C. No.1186/2001. As the 3rd accused was absconding, the case against him was split up and refiled. Presently, the case against the petitioner is pending as C.C. No.2886/2015 before the Judicial First Class Magistrate's Court-II, Thrissur. C.C. No.1186/2001 culminated in an acquittal. In the said judgment, it was held that the 2nd accused was only an employee of the company.

2. According to the petitioner, he was also an employee of the company and no legal liability can be fastened on him in respect of the said transaction. Those matters are based on evidence. Following the decision of

the Full Bench of this Court in ***Moosa Vs. Sub Inspector of Police [2006 (1) KLT 552]***, the petitioner, being an absconding accused, cannot encash the judgment of acquittal passed by the court below as against the other accused.

3. At the same time, the court below can take note of the said aspect and can take the case out of turn and dispose it of, expeditiously.

With the above observation, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/11

// True Copy //

PA to Judge