

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Crl.MC.No. 5826 of 2014

CRIME NO. 924/2014 OF MANNANTHALA POLICE STATION, THIRUVANANTHAPURAM
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PETITIONER(S)/ACCUSED 1 TO 3:

1. HARILAL, AGED 46 YEARS,
S/O. PONNAPPAN NAIR, SINDU NIVAS, KERALADITHYAPURAM,
POUDIKONAM, THIRUVANANTHAPURAM.
2. MANOJ KUMAR, AGED 38 YEARS,
S/O. VELAPPAN NAIR, SUBHADRAM, KERALADITHYAPURAM,
POUDIKONAM, THIRUVANANTHAPURAM.
3. SANTHOSH, AGED 40 YEARS,
S/O. RAVINDRAN NAIR, APPUS NIVAS, KERALADITHYAPURAM,
POUDIKONAM, THIRUVANANTHAPURAM.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENT(S)/STATE AND THE DEFACTO COMPLAINANT AND VICTIMS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. BAIJUMON, AGED 36 YEARS,
S/O. MOHANAN, HOUSE NO. KERA-D1, MYLAPPALLY TEMPLE,
KERALADITHYAPURAM, PERMANENTLY RESIDING AT THANAL,
KALITHATTUMUKKU, PAVITHRESWARAM P.O., KOTTARAKKARA - 691 007.
3. HARIKRISHNAN, AGED 25 YEARS,
S/O. RADHAKRISHNAN, THOTTUCHIRA, ACHINAKAM,
KUDAVACHUR, VAIKOM - 686 001.
4. SUJITH, AGED 33 YEARS,
S/O. SUGATHAN, MANKUNNIL VEEDU, ARPANA NAGAR
PALLURUTHI, COCHIN - 682 005.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2-R4 BY ADV. SRI.K.NIRMALAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 5826 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

A1 - CERTIFIED COPY OF THE FIR IN CRIME NO. 924/14 OF MANNANTHALA POLICE STATION.

RESPONDENT(S)' ANNEXURES:

EXT.R2(a): TRUE COPY OF THE NOTICE DTD.17.10.2014.

EXT.R2(b): TRUE COPY OF THE PETITION.

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 5826 of 2014

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Dated this the 4th day of September, 2015

ORDER

Crime No.924/2014 of Mannanthala Police Station, Thiruvananthapuram was registered for the offence punishable under Section 394 IPC.

2. The petitioners herein are the accused in the crime. According to them, it was only a trivial incident, in which, some altercations were there with the de facto complainant in connection with the sending of a message to the niece of the 1st accused by the de facto complainant. It is alleged that infuriated by the sexual overtures allegedly made by the de facto complainant towards the girl, the petitioners

had approached the de facto complainant, allegedly attacked him, and snatched away his two mobile phones.

3. Presently, it seems that the matter has been settled between the parties. This Court cannot accept such a settlement in a grave offence like 394 IPC. According to the petitioners, the statements of the three witnesses were recorded under Section 164 Cr.P.C. It seems that two witnesses had turned up and their statements under Section 164 Cr.P.C was recorded. The learned Chief Judicial Magistrate has reported that even though repeated notices were issued, witness No.3 named Sujith has not turned up for furnishing statement under Section 164 Cr.P.C.

4. According to the learned counsel for the petitioners, no such notice was issued to the said Sujith. The learned counsel for the said Sujith also submits that Sujith had not received any notice. Let the Investigating Officer serve notice on Sujith. On getting that statement also recorded, the Investigating Officer shall go through the statements and take a decision whether there is anything to proceed with the matter or not. In case there is nothing to be

proceeded with, the Investigating Officer shall act in accordance with law.

With the said directions, this Crl.M.C is disposed of.

Sd/-
B.KEMAL PASHA, JUDGE

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