

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Crl.MC.No. 7157 of 2015

**SC 695/2014 OF ADDITIONAL ASSISTANT SESSIONS COURT, KOCHI
CRIME NO. 1306/2012 OF NJARAKKAL POLICE STATION, ERNAKULAM**

PETITIONER(S)/ACCUSED:

**HAMSON, AGED 29 YEARS,
S/O.ANTONY, ANTHIKKAD HOUSE,
VATTAPPARAMBU BHAGAM,
ASSAD ROAD, KALOOR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.P.SANTHOSH KUMAR
SRI.JACOB THIRUVINAL VARGHESE**

RESPONDENT(S)/STATE AND CW1 TO 2:

**1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
NJARAKKAL POLICE STATION,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**

**2. TONY, AGED 30 YEARS,
S/O.GEORGE, MATTATHITHARA HOUSE,
NEAR SUJATHA THEATER
ELAMKUNNAPUHA VILLAGE, ERNAKULAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADV. SMT.N.P.RUKSANA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 7157 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. COPY OF THE CHARGE SHEET IN SC 695/14 IS PENDING ON THE
FILES OF ADDITIONAL ASSISTANT SESSIONS COURT, AT KOCHI,
ARISING OUT OF CRIME 1306/12 OF NJARAKKAL POLICE STATION.**

**ANNEXURE A2. NOTARISED AFFIDAVIT DATED 28.10.15 SWORN BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 7157 of 2015
.....

Dated this the 20th day of November, 2015

ORDER

Petitioner is the accused in S.C.No.695/2014 of the Additional Assistant Sessions Court, Kochi, which has arisen from Crime No.1306/2012 of the Njarakkal Police Station, for the offence punishable under Section 436 of the Indian Penal Code. It seems that the parties have entered into a settlement whereby the matter has been settled between the parties.

2. It seems that apart from the motor bike, which was burned; portions of the residential building were also burned. In such case, it cannot be said that the offence will not fall under Section 436 IPC. When it is an offence under Section 436 IPC, this Court cannot accept and endorse the

settlement arrived at between the parties. Matters being so,
this Crl.M.C. stands dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge