

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.MC.No. 7190 of 2015 ()

SC 699/2013 of PRINCIPAL ASSISTANT SESSIONS COURT, KOLLAM

PETITIONER/3RD ACCUSED :

**MATHEW FRANCO, MARIYALAYM HOUSE
SAKTHIKULANGARA, KOLLAM.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.K.SUDHINKUMAR**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI
PIN-682 031.**
- 2. THE SUB INSPECTOR OF POLICE
KOLLAM EAST POLICE STATION, KOLLAM-691 001.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-11-2015, ALONG WITH CRMC. 7194/2015 THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

bp

Crl.MC.No. 7190 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT FILED BEFORE THE
JFCMC-II, KOLLAM DATED 6/11/1998 IN CRIME NO.710/1998.**

**ANNEXURE-II: A TRUE COPY OF THE COMMON JUDGMENT DATED 22/6/2013 IN SC
NO.526/2010 AND SEC 282/2011 OF THE PRL. ASSISTANT SESSIONS
COURT, KOLLAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
CRL.M.C. Nos. 7190 & 7194 of 2015
.....

Dated this the 23th day of November, 2015

ORDER

The petitioner in Crl.M.C Nos.7190/15 and 7194/2015 is the 3rd accused in S.C.No.699/2013 and 4th accused in S.C.No.698/2013, pending before the Principal Assistant Sessions Court, Kollam.

2. According to the petitioner, the other accused, who faced the trial, were acquitted by the court below through Annexures-II, judgments in Crl.M.C.Nos.7190/2015 and 7194/2015. This Court is not making any comments on Annexure-II in both the cases. At any rate, this Court is of the view that the petitioner cannot encash Annexures-II judgments in the light of the decision of the Full Bench of this Court in ***Moosa v. Sub Inspector of Police***[2006 (1)

KLT 552]. The present request of the learned counsel for the petitioner is to have an expeditious disposal of the cases. The court below shall make every possible effort to dispose of the matter expeditiously.

These Crl.M.Cs. are disposed of with the above direction.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge