

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Cr1.MC.No. 7225 of 2015 ()

CRL.M.P.NO.296/2015 IN S.C.NO.1254/2010 OF THE PRINCIPAL
ASSISTANT SESSIONS COURT, KOLLAM

CP 42/2009 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
KOLLAM

CRIME NO. 568/2008 OF KUNDARA POLICE STATION, KOLLAM

PETITIONERS/ACCUSED:

1. JITHIN PRASAD, AGED 29 YEARS,
S/O.PRASAD, KOLLANAZHIKATHU VEEDU, PERAYAM CHERRY,
MULAVANA VILLAGE, KOLLAM DISTRICT.

2. G.MADHU PRASAD, AGED 25 YEARS,
S/O.PRASAD, KOLLANAZHIKATHU VEEDU, PERAYAM CHERRY,
MULAVANA VILLAGE, KOLLAM DISTRICT.

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA

RESPONDENT/STATE:

STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
KUNDARA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/7/12/15

Crl.MC.No. 7225 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE 1: COPY OF THE FINAL REPORT IN CRIME NO.568/2008 OF KUNDARA POLICE STATION.

ANNEXURE 2: COPY OF THE PETITION IN CRL.MP.NO.296/2015 DATED 03.11.2015.

ANNEXURE 3: COPY OF THE ORDER IN CRL.MP.296/2015 IN SC.NO.1254/2010 DATED 03.11.2015.

RESPONDENT'S ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/7/12/15

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 7225 of 2015
.....

Dated this the 3rd day of December, 2015

ORDER

The challenge is with regard to Annexure 3 order passed by the learned Principal Assistant Sessions Judge, Kollam in Crl.M.P. No.296/2015 in S.C.No.1254/2010.

2. It seems that PWs.1 and 2 were examined and they were cross-examined in detail by the then learned counsel appearing for the petitioner in the matter. After that there was a change of vakkalath. Then, wisdom prevailed upon the subsequent counsel to seek for recalling of those witnesses for subjecting them again to cross-examination. The said request was vehemently opposed by the learned Public Prosecutor. The court below was satisfied that those witnesses were properly cross-examined and there was no

need for any further application of Section 311 Cr.P.C. in the matter.

3. On going through Annexure 3 order and on hearing the learned counsel for the petitioners, this Court is of the view that there is absolutely nothing to interfere with Annexure 3 order. Therefore, there is no merit in this Crl.M.C. and it is only to be dismissed, and I do so. It seems that this is a very old sessions case. Let the trial be expedited.

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

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge