

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA,
1937

Cr1.MC.No. 7568 of 2015

IN S.C 164/2015 of SPECIAL COURT (ATROCITIES AGAINST
SC/ST), MANJERI
CRIME NO. 319/2014 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

SUNITHA, AGED 25 YEARS,
D/O VELU, PARIYANITHODI, PANGU CHENDI P.O,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADVS.SMT.A.R.USHA
SRI.C.S.YESUDAS

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682031.
2. A.P.MINI
W/O M.P.GOPI, MELEPPALLIYAIL HOUSE,
PAUS CHENDI P.O.
KOLATHUR, PERINTHALMANNA,
MALAPPURAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 02-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7568 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FINAL REPORT IN SC 164/2015 ON THE FILES OF THE ON THE FILE OF THE SPECIAL COURT FOR SC/ST (PREVENTION OF ATRTOCITIES) ACT CASES, MANJERI)

ANNEXURE A2: COPY OF THE FIR IN CRIME NO.319/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I, PERINTHALMANNA DATED 30.8.2014.

ANNEXURE A2(A): COPY OF THE COMPLAINT FILED BY THE DEFACTO COMPLAINANT BEFORE THE SHO KOLATHUR POLICE STATION DATED 30.8.2014.

ANNEXURE A3: COPY OF THE COMPLAINT FILED BY THE MOTHER OF THE PETITIONER/ACCUSED BEFORE THE SHO KULATHUR POLICE STATION DATED 24.3.2014.

ANNEXURE A4: COPY OF THE COMPLAING FILED BY THE PETITIONER/ACCUSED BEFORE THE SUPERINTENDNET OF POLICE MALAPPURAM DISTRICT, DATED 1.8.2014.

ANNEXURE A5: COPY OF THE COMPLAINT FILED BY THE PETITIONER/ACCUSED BEFORE THE SHO KOLATHUR POLICE STATION DATED 17.8.2014.

ANNEXURE A6: COPY OF THE RECEIPT DATED 17.8.2014 ISSUED BY THE SHO KOLATHUR POLICE STATION.

ANNEXURE A7: A LIST OF SCHEDULED CASTES IN THE KERALA STATE NOTIFIED IN THE GAZETTE OF INDIA DATED 8TH JANUARY 2003.

ANNEXURE A8: COPY OF THE ORDER IN CRL.M.C.NO.310/2015 DATED 7.10.2012.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

ab

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.7568 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The learned counsel for the petitioner seeks permission to withdraw this proceeding with liberty to apply for discharge before the trial court. It is observed that if such an application comes, the learned trial judge shall examine the whole records, see whether the essential elements of the offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act are there, and decide appropriately on the application for discharge. The submission made by the learned counsel is accepted and recorded, and this Criminal Miscellaneous Case is disposed of as withdrawn, giving liberty to the petitioner to apply for discharge before the trial court.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

ab

P.A to Judge