

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Crl.MC.No. 6845 of 2014 ()

CRL.M.P. 1844/2014 IN S.C.127/2012 OF SESSIONS COURT, KALPETTA, WAYANAD

PETITIONER/ACCUSED :

**SUNDARAN, S/O.KORAGAN, AGED 49 YEARS,
PUTHENVEEDU, MANIYANKUNNU, PILAKAVU POST,
MANANTHAVADY TALUK.**

BY ADV. SRI.S.M.PRASANTH

RESPONDENT/COMPLAINANT::

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031**

BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 6845 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A : TRUE COPY OF THE ORDER IN CRL. M.P.NO.1844 OF 2014
DATED 06-11-2014 IN SC NO.127 OF 2012 ON THE FILES OF THE
COURT OF SESSIONS JUDGE, KALPETTA, WAYANAD.**

ANNX.B: TRUE COPY OF THE PETITION DATED 10-10-2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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CRL.M.C. No.6845 of 2014

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Dated this the 23rd day of January, 2015

ORDER

The accused in Sessions Case No.127 of 2012 of the Sessions Court, Kalpetta is challenging order dated 06.11.2014 passed by the Sessions Court, Kelpetta in Crl.M.P.No.1844 of 2014 in the said Sessions Case.

2. The said petition was filed by the learned counsel for the accused before the court below, under Section 311 Cr.P.C. for recalling PW1 and PW2 for further cross-examination. The court below through the impugned order dismissed the said Crl.M.P.

3. Heard.

4. The offences alleged against the petitioner are under Sections 450, 376, 377 and 506(ii) IPC. PW1 is the victim child and PW2 is her mother. It seems that they were

cross-examined in detail on all material particulars. I have perused a copy of their deposition. It seems that just for adding insult to injury, the accused wanted to recall PW1 and PW2. Just as a luxury, the accused cannot attempt to get the provisions under Section 311 Cr.P.C. invoked in a case like this. The said Crl.M.P. is devoid of merits and the court below has rightly dismissed the said Crl.M.P. The impugned order of the court below does not call for any interference at all as it does not suffer from any illegality, irregularity or impropriety.

5. The learned Sessions Judge is directed to dispose of the case as expeditiously as possible. Even though the learned Sessions Judge was informed by this Court that no order of stay has been passed in the matter and the court below was free to proceed with the trial of the case, it seems that unnecessarily the matter has been adjourned. The court below shall dispose of the matter as expeditiously as possible, at any rate, within two months from today. With

the said observations, this Crl.M.C stands dismissed.

The Registry of this Court is directed to communicate this order to the court below, at the earliest.

SD/
B. KEMAL PASHA
JUDGE

DSV/23/1/15

// True Copy //

PA to Judge