

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Crl.RC.No. 6 of 2015

CP 8/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KOCHI
.....

**SUO MOTU PROCEEDINGS INITIATED ON A COMMUNICATION
RECEIVED FROM PRINCIPAL DISTRICT AND SESSIONS JUDGE,
ERNAKULAM REGARDING WRONG COMMITTAL IN SC.120/2014.**

AGAINST

1. **RAHIM @ CHUNNAMBU RAHIM,
S/O.KUNJU MUHAMMED, CC.2/310,
KALVATHY LINE, FORT KOCHI,
NOW RESIDING: IBRAHIM'S HOUSE,
ARAKKAPARAMBIL NETTOR DESOM,
MARADU VILLAGE.**
2. **ARSHAD, S/O.JAFER, 2/310,
KALVATHY LINE, FORT KOCHI VILLAGE,
NOW RESIDING: CC.10/1558, PALLICHAL ROAD,
RAMESWARAM VILLAGE.**
3. **LENSHID, S/O.LATHEEF, 2/315,
KALVATHY LINE, FORT KOCHI VILLAGE,
NOW RESIDING: CC.10/1558, PALLICHAL ROAD,
WEST SIDE OF PARRY JN. RAMESWARAM. (A3-ABSCONDING)**
4. **STATE OF KERALA.**

R4 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL REVISION CASE HAVING BEEN FINALLY HEARD ON
02-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
Crl. Revision No.6 of 2015

.....
Dated this the 2nd day of September, 2015

ORDER

This is a *suo motu* revision registered under Section 401 Cr.P.C.

2. It seems that the learned Judicial First Class Magistrate's Court-II, Kochi has committed the case against accused Nos.1 and 2 in Crime No.928/2009 of the Kasba Police Station, to the Court of Sessions, Ernakulam vide committal order dated 21.12.2013 in C.P 8 of 2011.

3. In the committal order, it was mentioned that the case against the 3rd accused was split up, since he was absconding. Based on the committal, SC. 120/14 has been

registered and the same has been made over to the VIth Additional Sessions Court, Ernakulam. Later it was informed by the learned Judicial First Class Magistrate's Court-II, Kochi that it was the 2nd accused who was absconding and not the 3rd accused. The 3rd accused was present throughout the proceedings before the Judicial First Class Magistrate's Court-II, Kochi.

4. On going through the records it seems that an error has occurred in the committal and therefore, the committal is liable to be quashed.

In the result, the order of committal dated 21.12.2013 in CP 8 of 2011 of the Judicial First Class Magistrate's Court-II, Kochi is quashed and the said court is directed to pass a fresh committal order, in accordance with law.

Sd/-
B. KEMAL PASHA, JUDGE.

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PS to Judge