

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.Rev.Pet.No. 538 of 2013 ()

CC 146/2009 of J.M.F.C.-II, ALUVA

REVISION PETITIONER/ACCUSED NO.2:

JAISON,
S/O.JOSEPH, MADASSERY HOUSE, TABORE
MOOKKANNUR P.O., ANGAMALY, ERNAKULAM DISTRICT.

BY ADV. SRI.SAJI SANKARAN NAIR

RESPONDENTS/COMPLAINANT & STATE :

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1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.
 2. NARAYANAN,
S/O.KUTTAPPAN, KALLARACKAL HOUSE, TABORE
MOOKKANNUR P.O., ANGAMALY, ERNAKULAM DISTRICT-683577.

R2 BY ADV. SRI.C.A.CHACKO
R1 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.538 of 2013

Dated this the 1st day of October 2015

O R D E R

When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that this revision petition is not pressed. In this revision petition, the correctness of the order passed by the court below issuing summons to the additional accused under Section 319 Cr.P.C. is under challenge, which is not revisable as per the decision of the Supreme Court in **Bholu Ram v. State of Punjab** [2008 CrL.L.J. 4576 (1)]. Therefore, this revision petition stands dismissed as not maintainable.

2. The learned counsel for the revision petitioner has

requested for exempting him from personal appearance before the court below. Considering the nature of the offences alleged against the revision petitioner, I am of the view that it is only just and proper to grant exemption to the revision petitioner from his personal appearance before the court below on all posting dates, except the days on which his personal appearance is inevitable. The revision petitioner shall be at liberty to file application for exemption from his personal appearance before the court below, after his appearance before the court below, if so advised. If any such application is filed, the court below will pass orders in accordance with law, in the light of the observation made in this order.

Sd// **B.SUDHEENDRA KUMAR**, JUDGE.

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/ True copy /

PA to Judge