

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

OP(Cr1.).No. 224 of 2015 (Q)

ST 2379/2013 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
KANJIRAPPALLY DATED 23-02-2015

PETITIONER/ACCUSED:

K.R.SHINU, AGED 36 YEARS,
KAVUMTHARAPPEL HOUSE, PLAPPALLY, THALUNKAL P.O.,
KOOTICKAL, KANJIRAPPALLY.

BY ADVS.SRI.LIJI.J.VADAKEDOM
SMT.REXY ELIZABETH THOMAS
SRI.RAJEEV JYOTHISH GEORGE

RESPONDENTS/STATE AND COMPLAINANT:

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

2. T.N.SHYAM KUMAR, AGED 42 YEARS,
S/O. NARAYANAN, NANTHIYAMCODE (H), THALUNKAL P.O.,
KOOTTICKAL, KANJIRAPPALLY-686513.

R1 BY GOVERNMENT PLEADER SMT.SAREENA
R2 BY ADVS. SRI.LIJO KURIAN JOSE
SRI.K.A.ANAS

THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DSV/30/10/15

OP(Crl.).No. 224 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1- COPY OF THE ORDER DATED 23-2-2015 IN S.T.2379/13
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KANJIRAPPALLY.

EXHIBIT P2- COPY OF THE JUDGMENT IN O.P.(CRL.) 48/2015 DATED
18-2-2015 BEFORE THIS HONOURABLE COURT.

RESPONDENTS' EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/30/10/15

B.KEMAL PASHA, J.

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O.P.(Crl.).No.224 of 2015

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Dated this the 27th day of October, 2015

J U D G M E N T

By invoking certain provisions of plea bargaining, Exhibit P1 judgment has been passed. It seems that many of the provisions under the Chapter have been violated in passing Exhibit P1. Even a sentence of fine has not been imposed. Without mentioning as to the provisions under which the order has been passed, the court below has ordered the petitioner to pay an amount of ₹1,00,000/- as compensation to the complainant. Out of it ₹50,000/- had to be paid on or before 17.03.2015 and the balance amount had to be paid on or before 17.06.2015. The petitioner wants to get the period

extended.

2. The present request from the part of the petitioner cannot be entertained. This O.P.(Crl) stands dismissed. However, it is made clear that this order will not stand in the way of any challenge in respect of the legality and validity of the judgment passed by the court below.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/27/10/15

// True Copy //

P.A. To Judge