

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937**

**OP(Crl.).No. 227 of 2015 (Q)**  
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**CC 239/2004 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II (MOBILE),  
KOTTAYAM**  
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**PETITIONER(S)/COMPLAINANT:**  
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**RAJEEV GANDHI PADDY PROCESSING,  
PROCURING AND MARKETING CO-OPERATIVE  
SOCIETY LIMITED NO.K.878, KANJIRAM P.O.,  
KOTTAYAM - 20, REPRESENTED BY ITS  
MANAGING DIRECTOR C.K.DAS,  
S/O.KARAMBA PANICKER, PEEDIKACHIRA,  
KILIROOR, THIRUVAARPPU VILLAGE, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.A.JAYASANKAR  
SRI.C.V.MANUVILSAN  
SRI.MANU GOVIND  
SRI.S.SABARINADH  
SMT.INDULEKHA JOSEPH**

**RESPONDENT(S)/ACCUSED:**  
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**JOSHY MATHEW,  
S/O.MATHEW, KIZHAKKUMBHAAGATHU VEETIL,  
KADAVOORKKARA,  
KADAVOOR P.O., KOTHAMANGALAM,  
ERNAKULAM DISTRICT - 686 671.**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 03-09-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**OP(Crl.).No. 227 of 2015 (Q)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P-1:        A TRUE COPY OF THE JUDGEMENT IN CC NO.239/2004 OF THE  
                     JFCM-II, KOTTAYAM DATED 23.6.2004**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**B.KEMAL PASHA, J.**

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O.P.(Crl.) No. 227 of 2015

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Dated this the 3<sup>rd</sup> day of September, 2015

**J U D G M E N T**

It seems that the respondent was convicted and sentenced by the Judicial First Class Magistrate's Court-II, (Mobile), Kottayam in C.C.No.239/2004. The respondent has unsuccessfully challenged the conviction and sentence before the 2<sup>nd</sup> Additional Sessions Court, Thrissur through Crl.Appeal No.384/2004. On the dismissal of the appeal, he has again challenged the matter before this Court through a Criminal Revision. That was also dismissed. The present complaint of the petitioner, who is the complainant, is that no effective steps are being taken for the execution of the warrant against the respondent, who is the accused.

2. As per criminal rules of practice, it is for the first appellate court to get the warrant executed for execution of the sentence. It seems that no such steps are being taken by the 2<sup>nd</sup> Additional Sessions Court, Kottayam for the same.

3. In the result, the 2<sup>nd</sup> Additional Sessions Court,

Kottayam is directed to take immediate necessary steps for the execution of the warrant against the accused at the earliest, for getting the sentence executed. The court below shall call upon the concerned Police Officials and attempt to get the warrant executed at the earliest.

With the said direction, this O.P.(Crl.) is closed.

Sd-  
**B.KEMAL PASHA, JUDGE**

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