

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

OP(Crl.).No. 240 of 2015 (Q)

**SC.NO. 321/2013 OF II ADDITIONAL ASSISTANT COURT, THRISSUR
CC.NO. 674/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
WADAKKANCHERRY**

PETITIONER :

**JOY, AGED 46 YEARS, S/O. ANTHONY,
PORATHUR HOUSE, THAYYOOR VILLAGE,
THAYYOOR DESOM, THALAPPILLY TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA. PIN-682 031**
- 2. ANEESH KUMAR, AGED 37 YEARS, S/O. KESAVAN,
KODAVAM PARAMBIL HOUSE, KOTHACHIRA DESOM,
NAGALASSERY VILLAGE, THRISSUR. PIN-680 506**
- 3. SASIDHARAN, AGED 63 YEARS,
S/O. GOVINDHAN NAIR, PUTHIYEDATH HOUSE,
THAYYOOR VILLAGE, THRISSUR DISTRICT. PIN-680 506**

**R1 BY SRI.TOM JOSE PADINJAREKKARA, (ADDL.DIRECTOR GENERAL
OF PROSECUTION)
BY SR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH**

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(Crl.).No. 240 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE FINAL REPORT FILED BY THE ERUMAPETTY POLICE IN
CRIME NO. 181/2011.

P2 - TRUE COPY OF THE F.I.R IN CRIME NO. 183/2011 OF ERUMAPETTY POLICE.

P3 - TRUE COPY OF THE ABOVE APPLICATION FILED BY THE PETITIONER DT.
02.6.2015 BEORE THE LEARNED JFCM, WADAKKANCHERY.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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O.P.(CrI) No. 240 of 2015

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Dated this the 29th day of October, 2015

JUDGMENT

Even though the request is precisely under Section 323 Cr.P.C., the present proceedings can be treated as one under Section 407(1)(c)(iii) Cr.P.C. The case in C.C.No.674/2012 is counter to the case in S.C.No.321/2013. In such case, the Judicial First Class Magistrate's Court, Wadakkanchery has to be directed to commit the case against the accused in C.C.No.674/2012 to the Sessions Court, Thrissur, as per Section 407(1)(c)(iii) Cr.P.C. An order to that effect is hereby passed. On getting the case committed, the learned Sessions Judge shall make over the case to the II Additional Sessions Court-II, Thrissur, for trial and disposal along with S.C.No.321/2013.

The Original Petition is disposed of accordingly.

Sd/-

B.KEMAL PASHA, JUDGE