

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Tr.P(Crl.).No. 15 of 2015 ()

**TO TRANSFER SC.NO. 427/2011 OF ASST. SESSIONS COURT, OTTAPPALAM TO
IVTH ADDL. SESSIONS COURT, PALAKKAD**

PETITIONER/ACCUSED NO.3 :

**PRASANTH, AGED 33 YEARS
S/O. PRABHAKARAN, THIRUVONAM, KULUKKALLUR POST
SHORNUR, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN**

RESPONDENTS/STATE/ACCUSED :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031
(CR.NO.7/2006 OF THRITHALA EXCISE RANGE
PALAKKAD DISTRICT).**
- 2. PHILIP, AGED 58 YEARS
PULIKKAL VEEDU, MANJAKKAD, SHORNUR
OTTAPPALAM TALUK, PALAKKAD DISTRICT-679121.**
- 3. THOMAS MATHEW, AGED 32 YEARS
S/O MATHEW, MULAKKATTIL VEEDU, MANJAKKAD
SHORNUR, OTTAPPALAM TALUK, PALAKKAD DISTRICT-679121.**
- 4. SUDHEESH P.V., AGED 33 YEARS
S/O BALAKRISHNAN, PUTHUSSERI VELLIYIL VEEDU, PULLIKKAL
CHERUKKAVU, ERANAD TALUK, PALAKKAD DISTRICT-678545.**
- 5. SHEELA JOSE, AGED 29 YEARS
W/O JOSE PHILIP, PULIKKAL VEEDU, SHORNUR
OTTAPPALAM TALUK, PALAKKAD DISTRICT-679121.**

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : CERTIFIED COPY OF THE ORDER PASSED BY THE COURT OF
SESSIONS IN CRL.M.P. NO. 3023/2011.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Tr.P.(Crl.) No.15 of 2015 B
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Dated this the 28th day of October, 2015

ORDER

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These are two cases in which a huge quantity of spirit was seized. Both the cases occurred at different places. The first one was registered by the Pattambi Excise Range as CR No.4/2006. It is on the basis of a confession obtained by the accused, who was arrested in that case, CR No.7/2006 was registered by the Thrithala Excise Range. Consequent to the investigation, two Sessions Cases are registered as SC No.300/2011 presently pending before the IVth Additional Sessions Court (Adhoc-I), Palakkad and SC No.427/2011 before the Assistant

Sessions Court, Ottappalam. According to the petitioner, he is the 3rd accused in both the cases and, therefore, his request is that SC No.427/2011 of the Assistant Sessions Court, Ottappalam may be transferred to the Additional Sessions Court-IV, Palakkad for trial along with SC No.300/2011.

2. Both the said cases have no connection at all. The only connection that is being attributed is that the case registered by the Thrithala Excise Range was based on the information obtained from the accused in the case registered by the Pattambi Excise Range. Both the cases cannot be tried together. There is no reason to have a transfer. All the accused in both the cases are not common. Matters being so, in case of a transfer, the persons, who are not arraigned as common accused in both the cases, would be put to irreparable loss and injuries and inconvenience. There is no reason to interfere with Annexure-I order passed by the learned Sessions Court, Palakkad. This Tr.P.(CrI.) is

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devoid of merits and is only to be dismissed, and I do so.

In the result, this Tr.P.(Crl.) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/10

// True Copy //

PA to Judge