

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 32202 of 2011 (A)

ST.NO. 1031/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PALA

PETITIONER :

**ADV. TOM THOMAS, AGED 60 YEARS,
S/O.N.J.THOMAS, A.M.THOMAS ROAD, ERNAKULAM,
RESIDING AT VI/216-A, THRIKKAKARA, KOCHI-21.**

**BY ADVS.SRI.P.BABU KUMAR
SRI.P.YADHU KUMAR**

RESPONDENT(S):

- 1. JOY MATHEW, STATION HOUSE OFFICER,
PALA POLICE STATION, PALA P.O.,-686 575.**
- 2. MR.SURENDRA MOHAN, ADDL.S.I. OF POLICE,
PALA POLICE STATION, PALA P.O., -686 575.**
- 3. SUPERINTENDENT OF POLICE,
KOTTAYAM-686 001.**
- 4. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**

**R3 & R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
BY GOVERNMENT PLEADER SRI.GITHESH.R.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE CHARGE DATED 25/5/2009**
- P2 CERTIFIED COPY OF THE PROCEEDINGS DATED 19/10/09 TO 31/8/2011**
- P3 COPY OF THE COMPLAINT FILED BY THE PETITIONER DATED 1/11/2011**
- P4 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 14/11/2011**
- P5 COPY OF THE PROCEEDINGS IN CC.788/08 OF JFCM-II, KOCHI DATED 8/9/2008 TO 14/9/2011**
- P6 COPY OF THE PROCEEDINGS IN CC 691/09 OF JFCM-II, KOCHI DATED 25/1/2010 TO 17/1/2011**
- P7 COPY OF THE 'AADHAR' ISSUED BY UNIQUE IDENTIFICATION AUTHORITY OF INDIA DATED 30/11/2011**
- P8 COPY OF THE 161 STATEMENT OF CW2 DATED NIL**
- P9 COPY OF THE 161 STATEMENT OF CW3 DATED 9/5/2009**
- P10 COPY OF THE 161 STATEMENT OF CW4 DATED 9/5/2009**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

ALEXANDER THOMAS, J.

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W.P.(C).No. 32202 of 2011

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Dated this the 5th day of August, 2015

J U D G M E N T

It is pointed out by Sri.P.Babu Kumar, learned counsel appearing for the petitioner that the Judicial First Class Magistrate's Court-I, Pala, has by order dated 14.9.2012 acquitted the petitioner herein in S.T.No.1031/2009, which is the impugned proceedings in this case, as the offence in question has been compounded out of court and the accused has been thus acquitted under Sec.329(8) of the Cr.P.C. A copy of the said proceedings has been produced as Ext.P-5 in connected W.P.(C).No. 21389/2015, which reads as follows:

“Order of acquittal of accused on compounding offences out of court
under Section 320 (8), Criminal Procedure Code

Dated – 14/09/12

Case No. – ST 1031/09

Proceedings of the Judicial 1st Class Magistrate of Pala

District Kottayam

Complainant: State-represented by the A.S.I.
of Police, Pala in Cn.267/09

Accused:
Next page

Offence: Punishable u/s. 451, 341,325 IPC

ORDER

The offence having been compounded out of Court, the

accused is/are acquitted under Section 320 (8), Criminal Procedure Code.

No material objects.

Sd/-
Judicial 1st Class Magistrate-I

Section of the Code under which punishable: u/s. 451, 341, 323 IPC

Date of offence: 09/05/09

Date of complaint: 27/05/09

Date of appearance: 14/03/12

Date of order: 14/09/12

Accused

Tom Thomas, Aged 63,
S/o. Thomas, Nilakkappallil (H),
Near Yanachura Temple,
Kollamkudimugal Bhagom,
Kakkanadu, Thrikkakkara Village,
Ernakulam District.

Sd/-
Judl. 1st Class Magistrate
(Seal)"

In this view of the matter, this Writ Petition is only to be closed as nothing survives for consideration. Accordingly, this Writ Petition (Civil) stands closed.

sd/+
ALEXANDER THOMAS, JUDGE
///True copy///

P.S. to Judge