

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

UNNUMB.CrI.MC.No. 689 of 2015 ()

**AGAINST THE JUDGMENT IN C.C. NO. 689/2010 of JUDICIAL FIRST CLASS
MAGISTRATE COURT, KAYAMKULAM**

PETITIONER(S)/CW7 :

**SHAJAHAN, S/O SHAHUL HAMEED,
RESIDING AT PULIMOOTTIL PADEETTATHIL,
KAYAMKULAM MURI, KAYAMKULAM.**

**BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN**

RESPONDENT(S)/ ACCUSED :

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN.682031.**
- 2. SUDHEER, S/O NOOHUKANNU,
KORANDIPALLI KIZHAKKATHIL
FROM KURUNGATTUSSERY THARAYIL,
ERUVA MURI, KAYAMKULAM MUNICIPALITY,
PIN.690502.**
- 3. SARAZ BEEVI @ JAMEELA, W/O NOOHUKANNU,
KORANDIPALLI KIZHAKKATHIL
FROM KURUNGATTUSSERY THARAYIL,
ERUVA MURI, KAYAMKULAM MUNICIPALITY,
PIN.690502.**
- 4. SHEEJA, D/O KORANDIPALLI KIZHAKKATHIL
FROM KURUNGATTUSSERY THARAYIL,
ERUVA MURI, KAYAMKULAM MUNICIPALITY,
PIN.690502.**

5. SUNITHA, W/O BASHEER, KORANDIPALLI KIZHAKKATHIL
FROM KURUNGATTUSSERY THARAYIL,
ERUVA MURI, KAYAMKULAM MUNICIPALITY,
NOW RESIDING AT OTTATHENGIL VEEDU,
ADIKATTUKULANGARA MURI, PALAMEL VILLAGE,
PIN.690502.

BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS UNNUMBERED CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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UNNUMB.CrI.MC.No. 689 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I : TRUE COPY OF THE FINAL REPORT DATED 05.12.2013 IN CRIME
NO.931 OF 2009 OF KAYAMKULAM POLICE.**

**ANNEXURE II: TRUE COPY OF THE ORDER SHEET IN C.C. NO.689 OF 2010 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.**

**ANNEXURE III: TRUE COPY OF THE JUDGMENT DATED 31.10.2015 IN C.C.NO.689/2010
OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.**

RESPONDENT(S)' EXHIBITS : NIL

/ TRUE COPY /

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P.A. TO JUDGE

P.UBAID, J.

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Zcrl.M.C.No.689 of 2015

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Dated this the 3rd day of December, 2015

ORDER

The petitioner herein claims to be a witness cited by the police in C.C.No.689 of 2010 of the Judicial First Class Magistrate Court, Kayamkulam, which stands disposed of on 30.10.2015 by a judgment of acquittal. The offences involved in the case are under Sections 386, 406 and 498A read with Section 34 of the Indian Penal Code. The petitioner herein seeks orders under Section 482 Cr.P.C. quashing the said judgment of acquittal. Much thought or probe is not required to find that this petition is not maintainable under Section 482 Cr.P.C. A case which has ended in acquittal, or a proceeding which has become final by way of a judgment of acquittal, cannot be reopened otherwise than by way of a regular appeal or revision. The petitioner herein is not the defacto complainant or a victim. A victim has right to file appeal

under the proviso to Section 372 Cr.P.C. Here the victim, it appears, has no grievance. It is not known whether the victim has brought appeal against the judgment of acquittal. It is not known what is the petitioner's grievance simply as a witness. Anyway, the case has ended in acquittal, and such a judgment cannot be reopened at the instance of a witness who cannot have any grievance, and who has no right of appeal. As already observed, a judgment of acquittal can be reopened only in the normal ways possible; either by way of regular appeal, or a revision, if appeal is not the remedy. The registry rightly raised objection that this Crl.M.C. cannot be even numbered. The objection is upheld, and this unnumbered Crl.M.C. is rejected as not maintainable.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE