

Sanjay Vs. State of Kerala

Sanjay Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1096693

Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr.Justice K.Harilal

Appellant : Sanjay

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.HARILAL MONDAY, THE 28TH DAY OF OCTOBER 2013 6TH KARTHIKA, 1935 CrI.Rev.Pet.No. 2092 of 2013 ----- SC2532011 of Vth ADDL. SESSIONS COURT, ERNAKULAM DATED 26-09-2012 REVISION PETITIONER(S)/3RD ACCUSED:-: ----- SANJAY, S/O.UNNIKRISHNAN, RESIDING AT SANJAY NIVAS POIKKATTUSSERY, NEDUMBASSERY VILLAGE, NEDUMBASSERY ERNAKULAM DISTRICT. BY ADV. SRI.SAKIR.K.H. COMPLAINANT(S)/RESPONDENT : ----- STATE OF KERALA, THROUGH THE SUB INSPECTOR OF POLICE, ALUVA TRAFFIC REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.ABDUL SHUKKOOR. THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: stu K.HARILAL, J.

Dated this the 28th day of October, 2013

ORDER

The revision petitioner is the 3rd accused in S.C.No.253 of 2011 on the files of the Sessions Court (Vth Additional Sessions Court), Ernakulam. Now, he is charge sheeted for the offences punishable under Sections 302 and 307 read with 114 of the Indian Penal Code. The prosecution case, in brief is that the revision petitioner and two other accused in the above case, in furtherance of common intention to kill Jijo and CW1, who were riding in a motor cycle bearing Reg.No.KL-7B2932 as the rider and pillion rider respectively, followed them in a Maruthi Car bearing Reg.No.KL-9 M8174 driven by the 1st accused from Aluva-Parurkavala till Pulinchode in Aluva West Village and hit the car intentionally behind the motor cycle thereby Jijo and CW1 were thrown out and Jijo died due to the injuries sustained. The specific charge framed against the Crl.R.P.No. 2092 of 2013 2 revision petitioner is that the revision petitioner and the 2nd accused in the above case abetted the commission of the offences by the 1st accused.

2. The learned counsel for the revision petitioner submits that the 2nd accused has already filed a Crl.R.P.No.1932 of 2013 challenging the charge framed against him. It is further submitted that common charge is framed against the revision petitioner in Crl.R.P.No.1932 of 2013 and the revision petitioner in this revision petition as accused Nos. 2 and 3 respectively. In the above revision petition, this Court has set aside the charge and provided an opportunity to the 2nd accused to file a petition for discharge and the court below was directed to hear the 2nd accused on the discharge petition before framing the fresh charge. The learned counsel for the revision petitioner sought for very same opportunity to this revision petitioner also. He is produced the order passed by this Court in Crl.R.P.No.1932 of 2013 and it is found that the submission Crl.R.P.No. 2092 of 2013 3 is correct.

3. In the above circumstances, the charge framed against this revision petitioner will also stand set aside and the revision petitioner's case is also remitted back to the trial court. Th revision petitioner is also given an opportunity to file a petition for discharge, if he desirous of it. If he files such a petition, that petition shall be heard

and a fresh order be passed in accordance with law before framing fresh charge. This revision petition is disposed of accordingly. K.HARILAL, JUDGE. Stu //True copy// P.A to Judge.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com