

Sunitha vs State of Kerala

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Court : Kerala

Decided On : Sep-09-2025

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.Rev.Pet/206/2024

Appellant : Sunitha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
WEDNESDAY, THE 21st DAY OF FEBRUARY 2024 / 2ND PHALGUNA,
1945 CRL.REV.PET NO. 206 OF 2024 CRIME NO.387/2023 OF TOWN
NORTH POLICE STATION, PALAKKAD AGAINST THE ORDER
DATED 04.01.2024 IN CMP No.9037/2023 IN CC 754/2023 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -II, PALAKKAD REVISION
PETITIONERS/PETITIONERS 1 TO 3/ACCUSED 2 TO 4: 1 SUNITHA,
AGED 47 YEARS, W/o DINESH, CHANDRAKANTHAM, MANKAVU
KALAM, MANKAVU, PALAKKAD, PIN - 678001 2 DARSAN, AGED 24
YEARS, S/o DINESH, CHANDRAKANTHAM, MANKAVU KALAM,
MANKAVU, PALAKKAD, PIN - 678001 3 DHANUSH, AGED 22 YEARS,
S/o DINESH, CHANDRAKANTHAM, MANKAVU KALAM, MANKAVU,

PALAKKAD, PIN - 678001 BY ADV SHABU SREEDHARAN
RESPONDENT/RESPONDENT/COMPLAINANT: STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031

BY PUBLIC PROSECUTOR SRI. SANGEETHARAJ N.R THIS CRIMINAL
REVISION PETITION HAVING COME UP FOR ADMISSION ON 21.02.2024,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.R.P.No.206
of 2024 2

ORDER

It is in connection with the destruction of a 'Balalayam', (a place wherein the idol was shifted temporarily), a crime was registered and final report was submitted as against accused Nos.1 to 4 for the offences under Section 447, 427 r/w Section 34 IPC. The allegation against accused Nos.3 and 4 is that they conspired with the accused No.1 and 2 and went to the 'Balalayam' and it is thereafter accused No.1 along with his wife, accused No.2 with an axe destroyed the 'Balalayam'.

2. The offence punishable under Section 447 IPC may

not stand since the accused No.1 is the co-owner of the property. In so far as offence punishable under Section 427 IPC is concerned, no material was collected in order to show the involvement of accused Nos. 2 to 4. The main allegation is against accused No.1. Necessarily, if it is proceeded as against accused Nos.2 to 4, it will be a futile exercise and will not lead to the conviction for the said offences. Hence, the trial court ought to have allowed discharge of accused Nos.2 to 4. The discharge CrI.R.P.No.206 of 2024 3

application will stand allowed by setting aside the order

of trial court as against accused Nos.2 to 4. The Criminal Revision Petition will stand allowed accordingly. Sd/- P.SOMARAJAN JUDGE DMR/- CrI.R.P.No.206 of 2024 4 APPENDIX OF CRL.REV.PET 206/2024 PETITIONERS' ANNEXURES Annexure-1 THE TRUE COPY OF THE FIS DATED 16.4.2023 IN CRIME NO.

387/2023 OF PALAKKAD TOWN NORTH Annexure-2 THE TRUE COPY OF THE FIR DATED 16.4.2023 IN CRIME NO. 387/2023 OF PALAKKAD TOWN NORTH Annexure-3 THE TRUE COPY OF THE ORDER CRL MC NO. SESSIONS COURT, PALAKKAD Annexure-4 THE TRUE COPY OF THE REPORT DATED 10.5.2023 FILED BY THE SI OF POLICE, PALAKKAD TOWN NORTH POLICE BEFORE THE CJM COURT, PALAKKAD Annexure-5 THE TRUE COPY OF THE CHARGE SHEET DATED 7.6.2023 IN CRIME NO. 387/2023 OF PALAKKAD Annexure-6 THE TRUE COPY OF THE SCENE MAHAZAR DATED 17.4.2023 IN CRIME NO. 387/2023 OF PALAKKAD Annexure-7 THE TRUE COPY OF THE MAHAZURE DATED 26.4.2023 OF THE PEN DRIVE CONTAINING THE CCTV FOOTAGE IN CRIME NO. 387/2023 OF PALAKKAD TOWN NORTH Annexure-8 THE TRUE COPY OF THE MEMORANDUM OF EVIDENCE DATED NIL IN CRIME NO. 387/2023 OF PALAKKAD Annexure-9 THE TRUE COPY OF THE STATEMENTS OF WITNESSES OF VARIOUS DATES IN CRIME NO. 387/2023 OF PALAKKAD TOWN NORTH POLICE STATION Annexure-10 THE TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) NO. 21364/2020 DATED 19.6.2023 CrI.R.P.No.206 of 2024 5 Annexure-11 THE TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN CRL MC NO. 9360/2023 DATED 8.11.2023 Annexure-12 THE TRUE COPY OF THE CMP NO. 9037/2023 WITHOUT THE ANNEXURES THEREIN FILED BY THE PETITIONERS BEFORE THE JFCM COURT-II, PALAKKAD DATED 20.11.2023 Annexure-13 THE FREE COPY OF THE ORDER OF THE JFCM COURT- II, PALAKKAD IN CMP NO. 9037/2023 IN CC NO. // TRUE COPY // P.A. TO JUDGE

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