

Deepak vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/2278/2019

Appellant : Deepak

Respondent : State of Kerala

Judgement :

CRL.MC NO. 2278 OF 2019 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946
CRL.MC NO. 2278 OF 2019 CRIME NO.611/2017 OF Aroor Police
Station, Alappuzha AGAINST THE ORDER/JUDGMENT DATED IN CP
NO.43 OF 2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
CHERTHALA PETITIONER/S: DEEPAK AGED 32 YEARS S/O.
VIJAYAKUMAR, RESIDING AT MEVILAVEETIL, VAZHAPPALLY,
CHANGANASSERI, KIZHAKKEKARAYIL, KOTTAYAM-

BY ADVS. K.SHAJ RENJIT GEORGE C.IJLAL ARUN CHAND JOSEPH MARY DAS THAREEQ ANVER K. RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 31. 2 SUB INSPECTOR OF POLICE AROOR POLICE STATION, AROOR, ALAPPUZHA PIN-688 534 SRI.SANGEETHARAJ NR, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 2278 OF 2019 2

P.V.KUNHIKRISHNAN, J ----- Crl.M.C. No. 2278 of 2019 ----- Dated this the 31st day of July, 2024

ORDER

This Criminal Miscellaneous case is filed to quash the proceedings against the petitioner, who is the 3 rd accused in CP No. 43/2018 on the file of the Judicial First Class Magistrate Court-II, Cherthala.

2. When this Criminal Miscellaneous case came up for

consideration, this Court directed the Registry to get a report from the learned Magistrate about the present stage of the case. The learned Magistrate submitted a report, which is extracted hereunder : With reference to the above, I may submit the following for favour of kind necessary action. CP 43/2018 was taken on file as on 26.06.2018 against 3 persons (A1 Yesudas Godson, A2 Arun Kumar and A3, Deepak). Case against A2 Arun Kumar was committed on CRL.MC NO. 2278 OF 2019 3

04.11.2019 to the Hon'ble Sessions Court Alappuzha. Case against A1 and A3 refiled as CP 35/2019 On 29.11.2019 case against A1 Yesudas Godson in CP 35/2019 was transferred to LP 64/2019 and Case against A3 Deepak in CP 35/2019 was refiled as CP 42/2019. CP 42/2019 was committed to the Hon'ble Sessions Court, Alappuzha on 24.07.2024. LP

64/2019 (Case against Yesudas Godson) was then refiled as CP 12/2020 and committed to the Hon'ble Sessions Court, Alappuzha on 03.11.2020. Now, case against A1 Yesudas Godson is pending as SC against A2, Arun Kumar is pending in the Hon'ble Sessions Court, Cherthala as SC 18/2020 and is posted to 24.08.2024 for stay report. Case against A3 Deepak is committed to the Hon'ble Sessions Court, Alappuzha on 24.07.2024.

3. From the above, it is clear that the case is already

committed to the Sessions Court. If that is the case, the petitioner can file discharge petition before the court concerned and all the contentions raised by the petitioner in this Crl.M.C. can be raised in the discharge petition. If any discharge petition is filed, the trial court will consider the same, before proceeding with the case. All the contentions raised by the petitioner are left open.

4. The Registry will forward a copy of this order to the Sessions

Judge, Alappuzha forthwith. The learned Sessions Judge will see CRL.MC NO. 2278 OF 2019 4 that the cases of all the accused are allotted to the same court for trial. With the above observation, this Crl.M.C. is disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS CRL.MC NO. 2278 OF 2019 5 APPENDIX OF CRL.MC 2278/2019 PETITIONER ANNEXURES ANNEXURE A1 THE CERTIFIED COPY OF THE F.I.R IN CRIME NO. 611/2017 OF AROOR POLICE STATION.

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