

Manoj, vs State of Kerala,

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Court : Kerala Orders

Decided On : Apr-02-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/1535/2018

Appellant : MANOJ,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946
AGAINST THE ORDER/JUDGMENT DATED 12.10.2018 in
CRL.M.P.NO.133/2018 IN SC NO.33 OF 2017 OF ADDITIONAL
ASSISTANT SESSIONS COURT,KOTTAYAM

REVISION PETITIONER/ACCUSED: MANOJ, AGED 47 YEARS, S/O
NEELAKANDAN NAIR, KANDATHIL HOUSE, KARIPADOM KARA,
VELLOOR VILLAGE, KOTTAYAM. BY ADV NANDAGOPAL S.KURUP
RESPONDENTS/COMPLAINANT: STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI - 682 031. SR PP SRI C N

PRABHAKARAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The police has charge sheeted the accused for the offence punishable under Sections 341, 294(b), 324 and 308 of IPC. The accused came up with a discharge application only against the offence under Section 308 IPC, presumably for the purpose of delaying the proceedings before the trial court indefinitely. The discharge application ended in dismissal. Thereon, it was taken up in revision before this court and stalled the entire proceedings before the trial court for more than five years. One of the injuries sustained by the victim is the incised wound on the lower abdomen having the measurement of 3x0.3 cm. The depth of the injury is not specified in the wound certificate. It is submitted that the abovesaid injury may not be sufficient to bring home the offence under Section 308 IPC. It is inter alia contended by the learned counsel that, that injury was inflicted, ie., on the lower abdomen without knowledge. The existence of a valid ground of

defence shall not be a ground to get an order of discharge. In the wound certificate, the depth of the incised wound is not disclosed. But, it is on the vital part of lower abdomen which may lead to death in the ordinary course, unless timely treatment is given to the party concerned. Necessarily, the dismissal of discharge application deserves no interference. At this juncture, the learned counsel for the petitioner pressed for dismissal of the revision as withdrawn. Hence, the Criminal Revision Petition will stand dismissed as withdrawn with a direction to the trial court to expedite the disposal of the matter within a time schedule of six months from the date of receipt of this order and report compliance.

Sd/- P.SOMARAJAN JUDGE msp APPENDIX OF CRL.REV.PET 1535/2018
PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE FINAL
REPORT IN S.C.NO.33/2017 ON THE FILES OF THE ADDITIONAL ASSISTANT
SESSIONS COURT, KOTTAYAM.

ANNEXURE A2

TRUE COPY OF THE WOUND CERTIFICATE

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