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Nowfal vs State of Kerala

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Court : Kerala Orders

Decided On : May-29-2024

Judge : Honourable Mr.Justice K. Babu

Appeal No. : CRL.A/444/2024

Appellant : Nowfal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY, THE 29TH DAY OF MAY 2024 / 8TH JYAISHTA, 1946 CRL.A NO. 444 OF 2024 CRIME NO.2058/2020 OF Pandalam Police Station, Pathanamthitta AGAINST THE JUDGMENT DATED IN SC NO.245 OF 2020 OF DISTRICT COURT& SESSIONS COURT,PATHANAMTHITTA APPELLANT/ACCUSED: NOWFAL, AGED 33 YEARS, S/O PANAYKKAL CHIRAYIL WAHID, PANAYKKAL CHIRAYIL HOUSE, NEAR PANAYKKAL CHIRAYIL TEMPLE, CHELAPPURAM JUNCTION, WARD NO.39, KAYAMKULAM MUNICIPALITY, KEERIKKAD VILLAGE, KARTHIKAPALLY TALUK, KAYAMKULAM P.O, ALAPUZHA DISTRICT., PIN - 690508 BY ADVS. SRI.M.ANUROOP SRI.MURSHID ALI M.

SRI.ABRAHAM RAJU CYRIAC RESPONDENTS/STATE AND VICTIM: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 XXX XXX XXX XXX XXX XXX BY ADV. SRI.G.SUDHEER, PP THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 29.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BABU, J.

---------- ---------- Dated this the 29th day of May, 2024

JUDGMENT

The challenge in this appeal is to the order dated 11.11.2020 in Crl.M.P.No.1646/2020 on the file of the Sessions Court, Pathanamthitta.

2. Heard the learned counsel for the appellant and the learned Public Prosecutor.

3. The appellant is the sole accused in Crime No.2058/2020 of Pandalam Police Station. He is alleged to have committed the offences under Sections 366, 342, 323, 354, 354B & 376 of IPC.

4. Challenging the impugned order the appellant had

preferred Crl.A.No.938 of 2020 which was dismissed by this Court as per judgment dated 07.12.2020. As the appellant has already invoked the remedy under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present appeal is not maintainable.

5. The learned counsel for the appellant sought

permission to withdraw the appeal. The permission sought for is granted. The appeal is rejected as withdrawn. The appellant is at liberty to seek regular bail before the Trial Court. Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.A NO.444/2024 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE

FIR AND FIS IN CRIME NO.2058/2020 OF PANDALAM POLICE STATION Annexure A2 TRUE COPY OF THE CHARGE IN SC NO.245/2020 (IN CRIME NO.2058/2020 OF PANDALAM POLICE STATION) OF SESSIONS Annexure A3 TRUE COPY OF THE 164 CRPC STATEMENT OF THE VICTIM IN SC 245/2020 OF SESSIONS Annexure A4 TRUE COPY OF ORDEDR DATED 11.11.2020 IN CRL M.P NO.1646/2020 ON THE FILES OF SESSIONS COURT PATHANAMTHITTA Annexure A5 TRUE COPY OF THE ORDER DATED 07.12.2020 IN CRL.APPEAL NO.938/2020 OF THIS HONBLE COURT

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