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Siddique vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-10-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.Rev.Pet/1342/2023

Appellant : Siddique

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN WEDNESDAY, THE 10th DAY OF JANUARY 2024 / 20TH POUSHA, 1945 CRL.REV.PET NO. 1342 OF 2023 CRIME NO.619/2022 OF KOLATHUR POLICE STATION, MALAPPURAM SC 90/2023 OF SPECIAL COURT (ATROCITIES AGAINST SC/ST), MANJERI REVISION PETITIONER/2nd ACCUSED: SIDDIQUE, AGED 40 YEARS, S/o MUHAMMED KUTTY KAMBRATH HOUSE, KUTTIPURAM P.O., KOTTACKAL MALAPURAM, PIN - 676528 BY ADVS. V.VINAY NISSAM NAZZAR RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA (FIR NO.619/2022 OF KOLATHUR POLICE STATION,

MALAPPURAM), PIN - 682031 BY PUBLIC PROSECUTOR SRI SANGEETHARAJ N R THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.R.P.No.1342 of 2023 2

ORDER

The accused came up challenging the charge framed on two grounds that there is non compliance of Rule 8 (16)(i) & (ii) of Electronic Video Linkage Rules for Courts (Kerala), 2021, while framing charge and it was not translated in the vernacular known to the accused. But, it was taken up before the concerned trial court and it was recorded and parties were asked to come physically so as to comply with the requirement by order dated 06.01.2024. Any defect in the charge or omission can be rectified under Section 217 Cr.P.C. and it is within the permissible limit of the trial court to rectify the mistake, if any. Hence, the challenge will not stand and the revision petition Crl.R.P.No.1342 of 2023 3 will stand dismissed. Before framing the charge afresh, discharge petition, if any, submitted may be considered by the trial court. Sd/- P.SOMARAJAN JUDGE DMR/- Crl.R.P.No.1342 of 2023 4 APPENDIX OF CRL.REV.PET 1342/2023 PETITIONER'S ANNEXURES Annexure-I TRUE COPY OF FINAL REPORT IN CRIME Annexure-II THE CERTIFIED COPY OF THE ORDER DATED

07-09-2023 OF ORDER FRAMING CHARGE IN S.C NO.90/2023 OF SPECIAL COURT FOR SCHEDULED CASTE AND SCHEDULED TRIBE

(POA) & NDPS ACT CASES, MANJERI Annexure-III THE TRUE COPY OF FORM 17 FOR PLEA RECORDING DATED 07-09-2023 OF THE PETITIONER IN S.C NO.90/2023 OF SPECIAL COURT FOR SCHEDULED CASTE AND SCHEDULED TRIBE (POA) & NDPS ACT CASES, MANJERI Annexure-IV THE TRUE COPY OF THE ELECTRONIC VIDEO LINKAGE RULES FOR COURTS (KERALA), 2021 // TRUE COPY // P.A. TO JUDGE

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