

Dhanesh, vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1322350

Court : Kerala

Decided On : Jul-26-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/8952/2018

Appellant : Dhanesh,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946
CRL.MC NO. 8280 OF 2016 CRIME NO.2170/2015 OF Vaikom Police
Station, Kottayam AGAINST THE ORDER/JUDGMENT DATED IN CC
NO.591 OF 2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,VAIKOM PETITIONERS/ACCUSED 1 & 2: 1 CHANDRASEKHARAN
NAIR S/O KRISHNA PILLAI, AGED 75 YEARS,CHANDRAMANGALAM
HOUSE, KULASEKHARAMANGALAM,VAIKOM - 686141. 2
KAMALAMMA W/O CHANDRASEKHARAN NAIR,AGED 68 YEARS,
CHANDRAMANGALAM HOUSE, KULASEKHARAMANGALAM,
VAIKOM-686141.

BY ADVS. SRI.JELSON J.EDAMPADAM SRI.C.Y.VINOD KUMAR
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, ERNAKULAM,
KOCHI-31. 2 DHANESH KUMAR GIRIJA SADANAM,
KULASEKHARAMANGALAM,VAIKOM-686141. BY ADVS. M.A.BABY
T.S.BIJU BY ADV: SRI.NOUSHAD.K.A, SR.PP THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION ON 26.07.2024, ALONG
WITH CrI.MC.8952/2018, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946
CRL.MC NO. 8952 OF 2018 CRIME NO.2170/2015 OF Vaikom Police
Station, Kottayam AGAINST THE ORDER/JUDGMENT DATED IN CC
NO.1260 OF 2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,VAIKOM PETITIONERS/ACCUSED NOS.1 TO 4:

1 DHANESH, AGED 37 YEARS S/O. APPUKKUTTAN, GIRIJA
MANDIRAM, KOTTAYAM-686 608 2 BINU AGED 40 YEARS S/O.
SUNDARAN, NALANDA HOUSE, KOTTAYAM, PIN-686 608 3
HARIKRISHNAN AGED 26 YEARS S/O. SASIKUMAR,
KRISHNALAYAM, KOTTAYAM, PIN-686 608 4 SUNILKUMAR AGED 37
YEARS S/O. SASIDHARAN, YESHODA BHAVANAM, KOTTAYAM, PIN-
686 608 BY ADVS. T.S.BIJU SRI.V.A.VINOD RESPONDENT/S: 1
STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA-682 031 2 CHANDRASEKHARAN NAIR

AGED 76 YEARS, S/O. KRISHNAPILLA, CHANDRAMANGALAM
HOUSE, KULASEKHARAMANGALAM P.O, VAIKOM, KOTTAYAM, PIN-
686 608 3 KAMALAMMA AGED 69 YEARS, W/O.
CHANDRASEKHARAN NAIR, CHANDRAMANGALAM HOUSE,
KULASEKHARAMANGALAM P.O, VAIKOM, KOTTAYAM, PIN-686 608

BY ADV.SRI. NOUSHAD K.A., SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26.07.2024, ALONG WITH Crl.MC.8280/2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Crl. M.C. Nos. 8280 of 2016 and 8952 of 2018 ----- Dated this the 26th day of July, 2024

ORDER

These two Criminal Miscellaneous Cases are connected and therefore, I am disposing of these two cases by a common order.

2. The petitioners in Crl.MC No.8280/2016 are

the accused in C.C. No.591/2016 on the file of Judicial First Class Magistrate Court, Vaikom. The petitioners in Crl.MC No.8952/2018 are the accused in C.C. No.1260/2015 on the file of Judicial First Class Magistrate Court, Vaikom itself. The petitioners in Crl.MC 8280/2016 are the aggrieved party in Crl.MC are the aggrieved party in Crl.MC 8280/2016.

3. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor.

4. After hearing the learned counsel for the

petitioners, I am of the considered opinion that the contentions raised in these Criminal Miscellaneous Cases are to be raised before the trial court at the appropriate stage and this Court cannot entertain an application under Section 482 of Cr.P.C. to quash the proceedings. The counsel for the petitioners submitted that, some of the petitioners are very aged persons and they are not in a position to appear before the trial court. If any application is filed for exemption, the learned Magistrate will allow the same on condition that, they will appear before the court

on days on which their presence is inevitable. With the above observation and leaving open all the contentions raised in these Criminal Miscellaneous Cases to be agitated before the trial court at the appropriate stage, these Criminal Miscellaneous Cases are disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE nvj
APPENDIX OF CRL.MC 8952/2018 PETITIONER ANNEXURES ANNEXURE I
ACCUSED COPY OF THE FINAL REPORT IN C.C. NO. 1260/2015 ANNEXURE
II TRUE COPY OF THE FIR AND FINAL REPORT IN CRIME NO. 2170/2015
APPENDIX OF CRL.MC 8280/2016 PETITIONER ANNEXURES ANNEXURE A1
TRUE COPY OF THE ORDER DATED 9.4.2015 OF THE MUNSIFF'S COURT,
VAIKOM IN IA NO.718/2015 IN OS NO.124/2015. ANNEXURE II TRUE COPY OF
THE F.I.R IN CRIME NO.1505/2015 ON THE FILE OF THE VAIKOM POLICE
STATION. ANNEXURE III CERTIFIED COPY OF THE PRIVATE

COMPLAINT DATED 20.11.2015 FILED BY THE 2ND RESPONDENT BEFORE
THE JUDICIAL 1ST CLASS MAGISTRATE'S COURT, VAIKOM. ANNEXURE IV
CERTIFIED COPY OF THE FIR IN CRIME NO.2170/2015 OF VAIKOM POLICE
STATION. ANNEXURE V CERTIFIED COPY OF THE FINAL REPORT IN
C.C.NO.591/2016 ON THE FILE OF THE JUDICIAL 1ST CLASS MAGISTRATE
COURT, VAIKOM. RESPONDENTDS EXHIBITS : NIL //TRUE COPY// PA TO
JUDGE

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