

Sali vs State of Kerala

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Court : Kerala Orders

Decided On : May-30-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/4340/2024

Appellant : SALI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN THURSDAY, THE 30TH DAY OF MAY 2024 / 9TH JYAISHTA, 1946 CRL.MC NO. 4340 OF 2024 CRIME NO.184/2022 OF KOTTIYAM POLICE STATION, KOLLAM SC NO.1907 OF 2022 OF SPECIAL COURT- OFFENCES UNDER SC/ST (POA) ACT,1989,KOTTARAKKARA PETITIONERS/ACCUSED NOS.1 TO 3:

1 SALI AGED 45 YEARS SAJI BHAVAN, 171, OTTAPLAMOOD, ADHICHANALLUR VILLAGE, KOTTIYAM P.O., KOLLAM DISTRICT, KERALA, PIN - 691571 2 SARITHA R. AGED 38 YEARS D/O.RAJAN, RESIDING AT SAJI BHAVAN, 295, OTTAPLAMOOD, ADHICHANALLUR VILLAGE, KOTTIYAM P.O., KOLLAM DISTRICT,

KERALA, PIN - 691571 3 SAJILA AGED 41 YEARS SAJI BHAVAN,
OTTAPLAMOOD, ADHICHANALLUR VILLAGE, KOTTIYAM P.O.,
KOLLAM DISTRICT, KERALA, PIN - 691571 BY ADVS. ARUN SAMUEL
JITHIN BABU A

RESPONDENTS/STATE OF KERALA & INFORMANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031 2 LALITHA AGED 56 YEARS W/O.RAVI, SINDHU
BHAVAN, OTTAPLAMOOD, ADHICHANALLUR VILLAGE, KOTTIYAM P.O.,
KOLLAM DISTRICT, KERALA, PIN - R1 BY SR.PUBLIC PROSECUTOR
SRI.RENJIT GEORGE THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 30.05.2024, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC NO. 4340 OF 2024 2

ORDER

Dated this the 30th day of May, 2024 This petition has been filed under Section
482 of the Code of Criminal Procedure seeking the following prayer:

On these and other grounds to be urged at the time of hearing, it is most
humbly prayed that, this Honble Court may be pleased to quash
Annexures 1 and 2 to the extent of charge framed under section 3 (2)(va)
of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)
Act, 1989 in connection with S.C.No.1907/2022 on the file of the Special
Court for Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) Act Cases, Kottarakkara in the interest of justice.

2. As on 23.5.2024, the learned counsel for the

petitioners submitted that, as per Annexure A10, the 2 nd petitioner/2nd accused
in this case is a member of Scheduled Caste/Scheduled Tribe community. But
ignoring that fact, trial has been continued on the allegation of committing offence
under the Scheduled Castes and the Scheduled Tribes CRL.MC NO. 4340 OF
2024 3 (Prevention of Atrocities) Act, 1989. Therefore, interference of this Court is
necessary, as prayed for.

3. Since so submitted, a report from the Special Court

has been called for and report from the learned Special Judge, Kottarakkara, dated 24.5.2024 has been received, stating that, as early on 22.3.2024, this case was scheduled for trial and all witnesses were examined, except CW14. On the day of examination of CW14, the vakalath was relinquished and the case posted to 3.6.2024, for the examination of CW14.

4. The grievance projected by the learned counsel for the

petitioners is the caste of the 2nd petitioner/2nd accused herein is also Scheduled Caste. In fact, the same is a matter of evidence, to be decided by the trial court. Therefore, with liberty to the 2nd petitioner/2nd accused herein to put the said aspect during evidence, so as to consider the same by the trial court, this petition is dismissed, with a direction to continue and close the trial, without fail. Sd/- A. BADHARUDEEN JUDGE Bb CRL.MC NO. 4340 OF 2024 4 APPENDIX OF CRL.MC 4340/2024 PETITIONERS ANNEXURES ANNEXURE 1 A TRUE COPY OF THE FIR DATED 01/03/2022 IN CRIME NO.184/2022 REGISTERED AT KOTTIYAM POLICE STATION ANNEXURE 2 A TRUE COPY OF THE FINAL REPORT DATED POLICE COMMISSIONER, CHATHANNOOR BEFORE THE TRAIL COURT. ANNEXURE 3 A TRUE COPY OF THE STANDARD X-EQUIVALENCY CERTIFICATE OF THE 1ST PETITIONER DATED DEPARTMENT, GOVERNMENT OF KERALA. ANNEXURE 4 A TRUE COPY OF THE 1ST PETITIONER'S CERTIFICATE OF MARRIAGE DATED 10/01/2007 ISSUED BY THE GIRIVARGA VETAR MAHASABHA. ANNEXURE 5 A TRUE COPY OF THE CERTIFICATE OF THE 1ST ANNEXURE 6 A TRUE COPY OF THE CERTIFICATE DATED THE TAHSILDAR, KOLLAM. ANNEXURE 7 A TRUE COPY OF THE CERTIFICATE OF THE 3RD ANNEXURE 8 A TRUE COPY OF THE COMMUNITY CERTIFICATE OF THE 1ST PETITIONER DATED 04/12/2021 ISSUED ANNEXURE 9 A TRUE COPY OF THE COMMUNITY CERTIFICATE OF THE 2ND PETITIONER DATED 20/06/2022 ISSUED ANNEXURE 10 A TRUE COPY OF THE LETTER DATED 04/07/2022 ISSUED BY THE TAHSILDAR, KOLLAM TO THE 2ND PETITIONER. RESPONDENTS ANNEXURES : NIL