

Denny John vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-16-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/427/2023

Appellant : Denny John

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY, THE 16TH DAY OF FEBRUARY 2023 / 27TH MAGHA, 1944 CRL.MC NO. 427 OF 2023 SC 823/2022 OF ASSISTANT SESSIONS COURT, IRINJALAKUDA PETITIONER/S: DENNY JOHN AGED 48 YEARS MANDI HOUSE, MANDIKUNNU DESOM, KADUKUTTY VILLAGE, MURINGOOR P.O., THRISSUR DISTRICT, PIN - 680309 BY ADV JOHN K.GEORGE RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 OTHER PRESENT: PP M.C.ASHI THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16.02.2023, THE COURT ON THE SAME DAY

ORDER

Dated this the 16th day of February, 2023 The petitioner is the accused in Crime No.1156 of 2021 of Koratty Police Station registered for offences punishable under Section 8(1)(2) of the Kerala Abkari Act. This Crl.M.C is filed seeking to quash the final report in Crime No.1156 of 2021 and further proceedings in S.C.No.823 of 2022 of the Assistant Sessions Court, Irinjalakuda.

2. Learned Counsel for the petitioner contended that the petitioner has been falsely implicated and there is no evidence of the petitioner's involvement in the alleged offence.

3. Learned Public Prosecutor submitted that this Court will not be justified in quashing the Sessions Case at this stage.

4. Having heard the rival contentions, I am

of the opinion that it will be appropriate for -3- the petitioner to either seek discharge or prove his innocence in the trial. The Crl.M.C is hence closed, reserving the petitioner's right to take appropriate steps before the trial court. Sd/- V.G.ARUN JUDGE Sc/ -4- APPENDIX OF CRL.MC 427/2023 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FINAL REPORT

DATED 28/02/2022 IN CRIME NO 1156/21 OF KORATTY POLICE STATION, THRISSUR DISTRICT, NOW PENDING AS SC NO. COURT, IRINJALAKUDA
Annexure 2 A TRUE COPY OF THE REPORT DATED SUPERINTENDENT OF POLICE THRISSUR