SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Leena Daniel vs State of Kerala

Leena Daniel vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1624941

Court : Kerala Orders

Decided On : Apr-07-2021

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Crl.MC/7528/2017

Appellant : Leena Daniel

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN WEDNESDAY, THE 07TH DAY OF APRIL 2021 / 17TH CHAITHRA, 1943 Crl.MC.No.7528 OF 2017(A) IN CC 1383/2015 OF JMFC - VIII, ERNAKULAM (TEMPORARY) CRIME NO.1287/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM PETITIONER/ACCUSED No.4: LEENA DANIEL, AGED 51 YEARS, W/o DANIEL, PANAMPURAM, ELAMKULAM, KADAVANTHRA, ERNAKULAM BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN SRI.D.FEROZE SRI.V.VINAY RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031, (CRIME NO. 1287/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM DISTRICT.)

2 ARUN AUGUSTIN, S/o AUGUSTIN, PANAKKAL HOUSE, PALATHURUTH, KADAVANTHRA, ERNAKULAM DISTRICT-682020 R2 BY ADV. SRI.BABU PAUL R1 BY PUBLIC PROSECUTOR SRI. RAMESH CHAND THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07.04.2021, ALONG WITH Crl.MC.5884/2016(E), THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.Nos.7528/17 & 5884/16 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN WEDNESDAY, THE 07TH DAY OF APRIL 2021 / 17TH CHAITHRA, 1943 Crl.MC.No.5884 OF 2016 IN CC 126/2016 OF JMFC - VIII, ERNAKULAM (TEMPORARY) CRIME NO.1465/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM PETITIONER/2nd ACCUSED: DR.V.M.VICTOR GEORGE, AGED 55 YEARS, S/o V V MICHEAL, VALIYAPARAMBIL HOUSE, PALATHURUTH, KADAVANTHRA, ERNAKULAM. BY ADVS.SRI.V.V.NANDAGOPAL NAMBIAR SMT.RESHMA UNNIKRISHNAN SRI.V.B.UNNIRAJ RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2 LEENA DEANIEL, AGED 51 YEARS, W/o DANIEL, PANAMPURATH HOUSE, ELAMKULAM, KADAVANTHRA P O, COCHIN-20 3 JOLLY M J, AGED 33 YEARS, S/o THOMAS, MALIEKKAL VEEDU, AMBEDKAR ROAD, MARADU P O, ERNAKULAM 682011 4 SAJI SEBASTIAN, S/o THOMAS, MALIEKKAL VEEDU, AMBEDKAR ROAD, MARADU P O, ERNAKULAM - 682011 5 SIBI MATHEW, S/o MATHEW, KALARIKKAL HOUSE, KOCHUKADAVANTHRA, COCHIN-20 R2-5 BY ADVS. SRI.K.K.DHEERENDRAKRISHNAN SRI.D.FEROZE SRI.S.RAJEEV SRI.V.VINAY R1 BY PUBLIC PROSECUTOR SRI. RAMESH CHAND THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07.04.2021, ALONG WITH Crl.MC.7528/2017(A), THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.Nos.7528/17 & 5884/16 3

ORDER

Accused Nos.2 and 4 came up to quash the respective final report for the offence under Sections 323, 324, 326, 452 r/w Section 34 IPC in Crl.M.C.Nos.5884/2016 and 7528/2017 respectively on the ground that there is no truth or bonafides in the allegation. It is a matter to be adjudicated by evidence, for which the jurisdiction of this court under Section 482 Cr.P.C. cannot be extended. It is submitted that accused No.2 is a retired Government Servant. They are at liberty to move for discharge application, if so advised. Their personal appearance shall not be insisted till the date of framing of charges. It is made clear that the parties are at liberty to explore the possibility of an amicable settlement in the matter. With the abovesaid observation, both Crl.M.Cs are hereby dismissed. Sd/- P.SOMARAJAN JUDGE DMR/- Crl.M.C.Nos.7528/17 & 5884/16 4 APPENDIX OF Crl.MC 7528/2017 PETITIONER'S ANNEXURES: ANNEXURE I TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 1287/15 OF KADAVANTHRA POLICE STATION. ANNEXURE II CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 1287/15 OF KADAVANTHRA POLICE STATION. ANNEXURE III TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 1465/15 IN WHICH THE PETITIONER IS THE DEFACTO COMPLAINANT. RESPONDENTS' ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE Crl.M.C.Nos.7528/17 & 5884/16 5 APPENDIX OF Crl.MC 5884/2016 PETITIONER'S ANNEXURES: ANNEXURE 1 CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO 1465/2015 NOW NUMBERED AS CC 126/2016 OF JFCM-VIII, MARADU, ERNAKULAM WITH FIR. ANNEXURE 2 CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO 1287/2015 NOW NUMBERED AS CC 1383/2015 OF JFCM VIII, MARADU, ERNAKULAM ANNEXURE 3 TRUE COPY OF THE PHOTOGRAPH OF THE 3RD ACCUSED WHO WAS REFERRED FROM GENERAL HOSPITAL ERNAKULAM TO MEDICAL TRUST HOSPITAL. ANNEXURE 4 A TRUE COPY OF THE PHOTOGRAPH OF AGGRESSORS INSIDE THE POLICE JEEP ANNEXURE 5 A TRUE COPY OF THE COMPLAINT DATED ANNEXURE 6 TRUE COPY OF THE ORDER DATED 02.11.2015 IN Crl.M.P. No.261/2015 OF JFCM-VIII, MARADU, ERNAKULAM. ANNEXURE 7 TRUE CERTIFIED COPY OF COMPLAINT IN C.C. No.1126/2016 OF JFCM-VIII, MARADU, ERNAKULAM. ANNEXURE 8 CERTIFIED EXTRACT OF MONTHLY

ATTENDANCE REPORT FROM 22.09.2015 TO 31.12.2015. RESPONDENTS' ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com