

Akhil vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-20-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/134/2020

Appellant : AKHIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 20TH DAY OF MARCH 2020 / 30TH PHALGUNA, 1941
TO QUASH THE ENTIRE PROCEEDINGS IN C.C. NO.5893/2018 ON
THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
CHENGANNUR ARISING FROM CRIME NO.1698/2018 OF MANNAR
POLICE STATION, ALAPPUZHA DISTRICT AS AGAINST THE
PETITIONER PETITIONER/1ST ACCUSED: AKHIL, AGED 22 YEARS,
S/O. RAJAGOPALAN, PERUMALIKKATTIL HOUSE, PANDANAD
PANCHAYATH, 10TH WARD, PANDANAD VILLAGE,
KEEZHMONMAZHI MURI, ALAPPUZHA DISTRICT. BY ADVS.
SRI.E.C.POULOSE SMT.BOBBY RAPHEAL.C

RESPONDENTS/STATE, DEFACTO COMPLAINANT & CW2: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 RAVEENDRAN, AGED 53 YEARS, S/O. ACHUTHAN, REVATHY BHAVANAM, MANNAR PANCHAYATH, WARD XVII, VISHAVARSSERIKARA MURI, KURATTISSERY VILLAGE, ALAPPUZHA DISTRICT, PIN - 689 622.

3 RATHIN RAVEENDRAN, AGED 23 YEARS, S/O. RAVEENDRAN, REVATHY BHAVANAM , MANNAR PANCHAYATH, WARD XVII, VISHAVARSSERIKARA MURI, KURATTISSERY VILLAGE, ALAPPUZHA DISTRICT, PIN - 689 622. R2-3 BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA) OTHER PRESENT: SMT.V.SREEJA - PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20.03.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this 20th day of March, 2020 The petitioner is the 1st accused in C. C.No. 5893/ on the files of the Judicial First Class Magistrate Court, Chengannur, for having allegedly committed offences punishable under Sections 294(b), 506(1), 323, 324 read with Section 34 of the I.P.C. The allegation in the First Information Statement and also the final report, prima facie would attract the offence as alleged by the de facto complainant and the investigating Officer. There is also the wound certificate produced, which specifically indicates that the accused had attacked the injured with a stick. It is stated that her ear and externalities are not injured. But causing of an injury alone is not sufficient to hold that no offence is made out. Even pain is sufficient to attract an offence of causing hurt as defined in the I.P.C.

2. Undert

In the circumstances, I find that it is for the trial court to decide whether the allegations made by the witnesses are true or not. It is well settled that courts are not to go into the merits of the case under Section 482 Cr.P. It is not expected that the court should ever act as a court of first instance.

atement smadebyt hewi tnesses. Under t he ci rcumst ances, Cr I.M. C t o quash t he pr oceedi ngsunderSect ion482Cr .P. Cisnotmai ntai nabl eandt he Cr I.M. C.i sdi smi ssed. Sd/ - ASHOK M ENON JUDGE NR/ 20/ 03/ APPENDIX PETITIONER'S EXHIBITS: ANNEXURE A1 CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO 1698/2018 OF MANNAR POLICE STATION, ALAPPUZHA. ANNEXURE A2 CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO. 5893/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT 1, CHENGANNUR. ANNEXURE A3 CERTIFIED COPY OF THE ACCIDENT REGISTER CUM-WOUND CERTIFICATE ISSUED FROM THE GOVERNMENT HOSPITAL, MAVELIKKARA. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE

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