

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**WEDNESDAY, THE 30TH JUNE 2010 / 9TH ASHADHA 1932**

**CrI.MC.No. 2311 of 2010()**  
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**CC.106/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA  
CRIME NO.314/2004 OF KOTHAMANGALAM POLICE STATION**  
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**PETITIONER(S): 1ST ACCUSED**  
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**VASUDEVAN PILLAI, S/O.KRISHNA PILLAI,  
PANDALATH BUNGALOW, ST.JAMES ROAD, THYKODUM,  
VYTILA, ERNAKULAM.**

**BY ADV. SRIJESWIN P.VARGHESE  
SMT.G.VIDYA**

**RESPONDENT(S): COMPLAINANT**  
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**STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR MR.C.S.HRITHICK**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 30/06/2010, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**V.RAMKUMAR, J.**

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**Crl.M.C. No. 2311 of 2010**  
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**Dated this the 30<sup>th</sup> day of June, 2010**

**ORDER**

Petitioner, who is the 1<sup>st</sup> accused in Crime No.314/2004 of Kothamangalam Police Station, for offences punishable under Sections 447, 420 and 427 read with 34 IPC and now pending before the J.F.C.M Court-II, Aluva as C.CNo.106/2007, seeks to quash the final report and all further proceedings.

2. Admittedly, the Court has framed charge against the petitioner whose application for discharge was dismissed and the same was confirmed by the Sessions Court, Ernakulam. If so, the only course open to the petitioner is to face trial. If a question of identity does not arise for consideration during the trial, the petitioner may file an application for personal exemption by incorporating appropriate averments. In case, such a petition is filed, the learned Magistrate shall consider the same favourably and proceed with the trial. Reserving the above right of the petitioner, this Criminal M.C is dismissed.

**V.RAMKUMAR, JUDGE**