

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 28TH DAY OF FEBRUARY 2017/9TH PHALGUNA, 1938

Cr1.MC.No. 1607 of 2017 ()

CC 1069/2015 of J.F.M.C.-II, THAMARASSERY

CRIME NO. 75/2015 OF KODENCHERY POLICE STATION, KOZHIKODE

PETITIONER/1ST ACCUSED :-

P.H. JOSEPH @ JOYICHAN, S/O.HILLARIOSE,
PONAMMATTATHIL HOUSE, KP 6/429,
PULLIKKAYAM, MEEMUTTY P.O,
KOZHIKODE -673 580.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KODENCHERY POLICE STATION, KOZHIKODE RURAL,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ELEZABETH THOMAS, W/O.THOMAS HILLARIOSE
PONNAMATTOM HOUSE, CHEROOTTY NAGAR COLONY,
PUTHIYAPPA POST, KOZHIKODE.

R1 BY SRI.E.C.BINEESH, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-02-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1607 of 2017 ()

APPENDIX

PETITIONER'S' EXHIBITS :-

ANNEXURE A1 :- TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.75/15 AND CHARGE SHEETED AS CC NO.1069 OF 2015 OF
THE 1ST RESPONDENT POLICE STATION.

ANNEXURE A2 :- TRUE PHOTOCOPY OF THE PLAINT IN OS NO.600 OF 2014 IN
THE FILE OF MUNSIFF COURT, KOZHIKODE.

ANNEUXRE A3 :- TRUE PHOTOCOPY OF THE INTERIM ORDER IN O.S.NO.600 OF
2014 IN THE FILE OF MUNSIFF COURT, KOZHIKODE.

RESPONDENT(S)' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

B. SUDHEENDRA KUMAR, J.

Crl.M.C. No.1607 of 2017

Dated this the 28th day of February, 2017

ORDER

The prayer in this petition is to quash Annexure A1 charge and further proceedings in C.C.1061/2015 on the files of the court below. The offence alleged against the petitioner is the offence under Section 379 IPC. Therefore, the case is a warrant trial case. Therefore, the petitioner is having the right and opportunity to plead for discharge before the court below under Section 239 Cr.P.C. In view of the above reason, I am not inclined to entertain this petition.

In the result, this petition stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

STK

//TRUE COPY//

//P.A. TO JUDGE//