

IN THE COURT OF SESSIONS, MANJERI DIVISION

Present:- Sri.A.V.Telles, Addl. District & Sessions Judge-II

Addl. District & Sessions Court-II, Manjeri.

Thursday, the 13th day of October, 2025

CRIMINAL MISCELLANEOUS PETITION No.1128/2025

in S.C.No.1288/2022 in C.P 53/2022 of the JFCM Court-1, Manjeri
(Crime No.357/2018 of Manjeri Police Station).

Between:-

Jyothish. J@ Kuttan, S/o Janardhanan, D. No. 17/125 Panthalloor, Kalarikkal house, Thurappalli post, Iruvungal, Neelagiri Dist. Goodallur, Tamil Nadu.	}	<u>Petitioner</u> (7 th Accused)
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And:-

State of Kerala Represented by Station House Officer, Manjeri, by Public Prosecutor, Manjeri.	}	<u>Respondent</u> Complainant
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This petition coming on this day for hearing before me in the presence of Smt. Fasila. K, advocate for the petitioner, and of Sri. Shaju. K. P, Addl. Public Prosecutor for the respondents, the court passed the following:-

ORDER

The petitioner is the 7th accused in SC.1288/2022 (Crime No.357/2018 of Manjeri Police station). This petition has been filed under section 227 Cr.P.C ,seeking discharge from the offences punishable under sections 392,399 and 120(B) IPC.

2. The contentions urged by the petitioner is that his name does not appear in the FIR or Final Report and he is entitled to be discharged.

3. The learned Additional Public Prosecutor vehemently opposed the petition. He argued that this is a split up case from the original case number SC.402/2020. This petitioner was absconding for a long period and he was split up from the original case and other accused are facing trial in SC.402/2020. The contention that his name does not find place in the FIR or in the final report is factually incorrect. Prima facie there is a case against the accused. A full fledged trial is necessary in this case.

The case diary and the final report clearly show that the petitioner is the 7th accused in the original case and sufficient materials do exist disclosing his involvement in the alleged conspiracy and attempt to commit robbery. Therefore, the prosecution prayed for the dismissal of the petition.

4. After hearing the both sides, following point raised for consideration:-

Whether the petitioner is entitled to get a discharge under section 227 Cr.P.C?

5. **The point:-** At the stage of Section 227 Cr.P.C., the court is required only to see whether there is prima facie materials to proceed against the accused. A meticulous evaluation of evidence is unwarranted. The materials on record and other documents, discloses sufficient ground for presuming that the petitioner has committed the offences alleged. I am of the opinion that the petitioner failed to produce sufficient materials to get an order of discharge under section 227 Cr.P.C. The other accused are being tried separately in SC.402/2020. The petitioner is also bound to face the trial along with other accused. In the above circumstances, I find no ground to discharge the accused.

In the result, this petition is dismissed.

(Dictated to the Confidential Assistant, typed by her directly into the computer, corrected by me and pronounced in Open Court on this the 13th day of November, 2025).

Sd/-
Additional District & Sessions Judge-II

Typed by : Pankajam
Compared by:

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Fair/Copy of Order in CrI.M.P.No.1128 /2025
in SC 1288/2022., Dated : 13-11-2025

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