

IN THE COURT OF ADDL.SESIONS JUDGE-II (SPECIAL), KOTTAYAM

Present: Sri. Subash.S, Addl.Sessions Judge-II (Special), Kottayam

Tuesday, the 30th day of December, 2025

9th day of Pousha 1947

Crl.M.P. No.1906/2025 in S.C. No.475/2014

(Crime No.192/CR/96 of CBCID, Ernakulam.)

Petitioner:

Suresh, S/o. Shamsudheen,
Jubairiya Manzil, Kaddampilly Ittiva,
Kadaykkal, Kollam.

By Adv. K. Vinod.

Respondent:-

State of Kerala, Represented by
Special Public Prosecutor, Kottayam.

This petition filed by the 1st accused in S.C. No.475/2014
to allow him to withdraw his claim to be tried and plead guilty.

This Crl.M.P having been heard on 11.12.2025 and the
court on 30.12.2025 passed the following:-

ORDER

This is an application filed by the 1st accused in S.C.
No.475/2014 to allow him to withdraw his claim to be tried and
plead guilty.

2. 1st accused along with the accused Nos.2 to 5 stand charge sheeted for offences punishable under sections 344, 372, 373, 342, 376(1), 109 r/w 34 of the Indian Penal Code and sections 3(1) and 5(1)(d)(ii) of the Immoral Traffic (Prevention) Act, 1956.

3. This court framed charge against the 1st accused herein for offences under sections 376 r/w 109 of IPC, 372, 373, 342 and 344 r/w 34 of IPC, 376 of IPC, section 3(1), 5(1)(d)(ii) of Immoral Traffic (Prevention) Act, 1956. The petitioner herein pleaded not guilty to the charge framed against him.

4. Now the 1st accused has filed the above petition to allow him to plead guilty, contending that even though at the time of framing charge he pleaded not guilty, considering the delay occurred in the trial of all 23 cases, it is necessary in the interest of justice that he should be allowed to plead guilty. In support of his contention, he relied on the judgment of the Hon'ble High Court in Shyni Moolayil and Another v State of Kerala (2015(3) KLT 1963). In the said case, the Hon'ble High Court of Kerala observed as follows;

“4. No doubt, there is no specific provision in the Cr. P.C. enabling the Court to permit an accused to withdraw his claim to be tried and convict him on a plea of guilty subsequently. But as contended by the learned counsel for the petitioner, there is also no prohibition in the Cr. P.C. to record the plea of guilty in the course of the trial and convict the accused on his subsequent admission of guilt. The object of the trial is to investigate the offence and to find out the truth. When the guilt is admitted by the accused, and the admission is found to be voluntary, there is no reason why the Court should not allow him to withdraw his claim to be tried and plead guilty. In this connection, it is relevant to note the decision of the Patna High Court in *Shyama Charan Bharthuar and Others v. Emperor*, AIR 1934 Patna 330. It was held in that case that there is no implication that when an accused in the course of the trial withdraws his claim to be tried and plead guilty, the Court is not entitled to record the plea either accept it or continue the trial. An identical question came up for consideration before the Allahabad High Court in *Ram Kishun v. State of U.P.*, 1996 CriLJ 440. The Allahabad High Court held that a plea of guilt can be taken at any stage of trial after framing charge. The court observed that the necessity of evidence would arise only if and when the charge is not accepted. There is no reason to restrict the applicability of S.229 of the Cr. P.C. to a particular date or occasion, but the purport of the section is obvious that the plea of guilt can be advanced by an accused at any stage of the trial after framing a charge. If an accused is allowed to withdraw his claim to be

tried and plead guilty, an earlier termination of the trial can be secured, and wastage of the precious time of the Court can be avoided.”

5. So, as held by the Hon’ble High Court in the aforesaid case, if the accused is allowed to withdraw his claim to be tried and plead guilty, an earlier termination of the trial can be secured, and wastage of the precious time of the Court can be avoided. So, this court is of the considered opinion that this petition is to be allowed and the petitioner is to be permitted to withdraw his claim to be tried and plead guilty.

Accordingly, this petition is allowed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open Court, on this the 30th day of December, 2025.

Sd/-
Subash S.
Addl. Sessions Judge-II (Spl.)
Kottayam.

Copied by:
Compared by:

//True Copy//

By Order

Sd/-
Sheristadar