

IN THE COURT OF SESSIONS, KALPETTA DIVISION

Present :- Sri.Biju.T., Special Judge,
(Special Court for the trial of Offences Under SC/ST (Prevention of
Atrocities) Act Cases, Mananthavady.

Wednesday the 01st day of April, 2026
(The 11th day of Chaithra, 1948)

CRIMINAL MISCELLANEOUS PETITION No.2/2026 & 3/2026
in SC 219/20

Crime No.106/CB/KKD&WYD/18 (Crime No.128/16 of Kenichira Police Station)

State represented by the Deputy Superintendent of Police, Crime Branch, Wayanad through Special Public Prosecutor	:	Petitioner / State
1) Thankappan.V.E., S/o Ittankochu, Age 71 years Venganilkumthodiyil House, Pathilpeedika, Kenichira, Poothadi Amsom. 2) Suresh.V.T, S/o Thankappan, Age 50 years Venganilkumthodiyil House, Pathilpeedika, Kenichira, Poothadi Amsom.	:	Respondents / Accused

This petition coming on this day for hearing before me in the presence of Sri.Shiju Manisseril, Special Public Prosecutor for Petitioner/State and of Sri.Babu S.Nair, Sri.S.K.Saju and Sri.Pranav Advocates for Accused and upon hearing both sides and perusing the petition, the court passed the following:-

COMMON ORDER

These petitions are filed by the learned Special Public Prosecutor for the State U/s.348 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The offences alleged against the accused are U/ss.302 and 201 r/w 34 of the Indian Penal Code and U/ss.3(2)(v) and 3(2)(vi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

3. **The gist of the petition, Crl.M.P No.2/26, is as follows:-**

Now the case is posted for further evidence of the prosecution. On scrutinizing the case diary as well as the statement of the witnesses examined before the court, it is noticed that two material witnesses were seen given up by the prosecution at the initial stage of the trial due to oversight and mis-notion. But going through the case records, the given up witnesses' 161 statements are seems to be corroborating and very much essential for the just decision of the case to uncover the truth. The witnesses who have already given up are very material witnesses having direct knowledge of the offence as well as the consequential acts of the witness. In which some of them are even officials investigated the case initially and a few independent witnesses took part in the seizure mahazar and recovery of materials involved in the crime. Therefore, it is prayed that CWs.4, 8, 9, 10, 11,12, 16, 28, 29, 47, 56, 58, 59, 61 and 67 are to be recalled. Hence, this petition.

4. **The gist of the petition, Crl.M.P No.3/26, is as follows:-**

Now the case is posted for further evidence of the prosecution. On scrutinizing the case diary as well as the statement of the witnesses examined before the court, it is noticed that two material witnesses were seen given up

by the prosecution at the initial stage of the trial due to oversight and mis-
notion. But going through the case records, the given up witnesses' 161
statements are seems to be corroborating and very much essential for the just
decision of the case to uncover the truth. The witnesses who have already
given up are very material witnesses having direct knowledge of the offence
as well as the consequential acts of the witness. In which some of them are
officials investigated the case initially and a few independent witnesses took
part in the seizure mahazar and recovery of materials involved in the crime.
In Crl.M.P.2/26 the learned Special public prosecutor omitted to recall CWs.
20, 27 and 62. These witnesses, CWs.20 and 27 have knowledge that the
deceased was in the house of the accused and CW62 conducted the part of the
investigation. Therefore, it is necessary to recall CWs.20, 27 and 62. Hence,
this petition.

5. No objection filed by the learned counsel for the accused.

6. Heard both sides.

7. It is stated that some of the material witnesses were given up
by the prosecution at the initial stage of the trial due to oversight and mis-
notion. The witnesses who have already given up are very material witnesses
to uncover the truth before the court. These witnesses, who have already given
up are very material witnesses to prove that those witnesses are having the
knowledge of the offence. Some of the witnesses conducted the investigation.

Some of the witnesses have taken part in the seizure mahazar and recovery of materials involved in the crime. The prosecution wants to examine the witnesses, officers of the BSNL and the doctor who gave expert opinion. Their evidence appears to be essential to the just decision of the case. If the witnesses are not examined, the ends of justice will not be met.

Resultantly,

Both petitions are allowed. Hence, CWs.4, 8, 9, 10,11, 12, 16, 20, 27,28, 29, 47, 56, 58, 59, 61, 62 and 67 are hereby recalled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 1st day of April, 2026)

SPECIAL JUDGE

Typed by: Manuel M.P.
Compared by: Meenakshy C.M.