

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 837 OF 2011

THANKAPPAN @ KOCHUMANI

.....APPELLANT(S)

VERSUS

STATE OF KERALA

.....RESPONDENT(S)

ORDER

Learned counsel for the respondent-State submits that as per his instructions, the appellant was extended the benefit of premature release in terms of the Notification No. 67 of 2020 dated 05.03.2020 and he was, as such, released on 08.03.2020.

So far merits of the case are concerned, having examined the matter in its totality, in our view, the plea of private defence as taken by the appellant had rightly been rejected by the Trial Judge and by the High Court. To be specific, it is noticed that the High Court indeed took note of all the facts of the case and found that even if there was any element of right of private defence because of a quarrel between the appellant and the deceased, where the deceased having stick in his hand, the appellant indeed acceded such right of private defence, particularly when he inflicted two blows with knife on the chest of the deceased. That being the position, there appears no reason to consider interference with the findings recorded by the Courts.

This appeal is, therefore, dismissed.

However, dismissal of this appeal shall have no adverse bearing on the order of release already passed in favour of the appellant.

All pending applications also stand disposed of.

.....J.
[DINESH MAHESHWARI]

.....J.
[BELA M. TRIVEDI]

NEW DELHI;
AUGUST 30, 2022.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No. 837/2011

THANKAPPAN @ KOCHUMANI

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

Date : 30-08-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. C. N. Sree Kumar, Sr. Adv.
Mr. T. Mahipal, AOR
Mr. Anil Kumar, Adv.

For Respondent(s) Mr. C. K. Sasi, AOR
Mr. Abdullah Naseeh, Adv.
Ms. Meena K. Poulose, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of signed order.

All pending applications stand disposed of.

(NEETA SAPRA)
COURT MASTER (SH)
(Signed order is placed on the file)

(BEENA JOLLY)
COURT MASTER (NSH)