

ITEM NO.102

COURT NO.13

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 443/2010

HANEEFA

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

(with appln. (s) for permission to compound the offence and office report)

Date : 04/09/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)

Mr. Srigesh, Adv.
Mr. A. Venayagam Balan, Adv.

For Respondent(s)

Mr. M. T. George, Adv.
Ms. Kavitha K.T., Adv.UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing on behalf of the State, in pursuance of this Court's order dated 28.08.2014, filed a report obtained by the Sub-Inspector of Police, Beypore Police Station, Kozhikode City, along with written statement of the victim recorded by the police. The letter along with translated copy of the statement of the victim is produced today in the Court by the learned counsel for the State. The

Registry is directed to take the same on record.

We have perused the statement of the victim viz., Sahida, who is alleged to have been married by the appellant-Haneefa, which fact is claimed to have been sworn in her affidavit dated 07.09.2009. However, it appears from the statement and the report that the victim has disputed the correctness and veracity of the affidavit and clearly stated that the appellant-Haneefa did not reside with her. No marriage certificate has been produced by the appellant in this regard. Further, the victim has stated that the appellant did not provide her any amount towards maintenance either for her or for her daughter. In this view of the matter, we direct the Assistant Sessions Judge, Kozhikode to examine the victim and submit a detailed report within four weeks' from today. Photocopy of the statement recorded by the police, the report of the Sub-Inspector, Beypore Police Station, Kozhikode City and the xerox copy of the affidavit dated 07.09.2009 shall be forwarded to the Assistant Sessions Judge, Kozhikode for his perusal and for submitting an appropriate report in the matter.

It is also needless to make an observation in this order that if the statement made by the appellant, referred to supra, is found to be incorrect, on this count alone, the appeal will be liable to be dismissed.

List the matter immediately after the receipt of the report of the Assistant Sessions Judge, Kozhikode.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER