

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 26TH DAY OF AUGUST 2025 / 4TH BHADRA, 1947

CRL.REV.PET NO. 1095 OF 2024

CRIME NO.193/2021 OF BADIADUKKA POLICE STATION, KASARGOD

AGAINST THE ORDER DATED 05.10.2024 IN Cr1.MP NO.5201 OF 2023

IN SC.NO.80/2023 OF SESSIONS COURT, KASARAGOD

REVISION PETITIONER/RESPONDENT/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY STATION HOUSE OFFICER, BADIADUKA POLICE
STATION THROUGH THE PUBLIC PROSECUTOR, HIGHCOURT OF
KERALA, PIN - 682031

BY ADVS.

PUBLIC PROSECUTOR

DIRECTOR GENERAL OF PROSECUTION

SHRI.P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC
PROSECUTOR

SHRI.SAJJU.S., SENIOR G.P.

RESPONDENT/PETITIONER/ACCUSED NO.1:

K SURENDRAN

AGED 51 YEARS

S/O KUNHIRAMAN, KUNNUMMAL HOUSE, MODAKKALLUR, ATHOLI
VILLAGE, KOZHIKODE, PIN - 673315

BY ADVS.

SRI.P.MARTIN JOSE

SRI.C.DINESH

SHRI.SHREEKANTHA.K

SRI.P.PRIJITH

SRI.THOMAS P.KURUVILLA

SRI.R.GITESH

SHRI.AJAY BEN JOSE

SRI.MANJUNATH MENON

SHRI.SACHIN JACOB AMBAT

SMT.ANNA LINDA EDEN



2025:KER:64985

SRI.S.VAIDYANATHAN
SHRI.HARIKRISHNAN S.
SRI.S.SREEKUMAR (SR.)

OTHER PRESENT:

SRI.C.S.HRITHWICK, SR.PP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 26.08.2025, ALONG WITH Crl.Rev.Pet.1105/2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2025:KER:64985

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 26TH DAY OF AUGUST 2025 / 4TH BHADRA, 1947

CRL.REV.PET NO. 1105 OF 2024

CRIME NO.193/2021 OF Badiadukka Police Station, Kasargod

AGAINST THE ORDER DATED 05.10.2024 IN SC NO.80 OF
2023 OF SESSIONS COURT, KASARAGOD

REVISION PETITIONER/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY DEPUTY SUPERINTENDENT OF POLICE
CRIME BRANCH, KASARAGOD THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

BY ADV PUBLIC PROSECUTOR

RESPONDENTS/ACCUSED 1 TO 6:

- 1 K. SURENDRAN
AGED 51 YEARS
S/O. KUNHIRAMAN, KUNNUMMAL HOUSE, MODAKALLUR,
ATHOLI VILLAGE, KOZHIKODE, PIN - 673515
- 2 MANIKANTA RAI @ MANIKANTA PATLA
AGED 40 YEARS
S/O. NARAYANARAI, PATLA HOUSE, BERIPADAVU, BAYAR
(V), H. NO. VI/156, PAIVALIKE GRAMA PANCHAYATH,
PIN - 671348
- 3 SURESHA Y
AGED 45 YEARS
S/O. RAMANNA NAIK, KUTHAJE HOUSE, VANINAGAR,



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PADRE VILLAGE, PIN - 671552

- 4 SUNIL KUMAR D. @ SUNIL NAIK
 AGED 48 YEARS
 S/O. DEVADAS RAO, HILITE EMINENCE, FLAT NO. 123,
 KATTAYIROAD, CHALAPPURAM, KASABA (V), KOZHIKODE,
 PIN - 673004
- 5 ADV. BALAKRISHNA SHETTY
 AGED 48 YEARS
 S/O. BABU SHETTY, VANAGANDHA SREE HOUSE,
 SHRIRIYA, KUMBLA, SHIRIYA (VIA), KASARAGOD MGP
 XIV/23, PIN - 671321
- 6 LOKESH NONDA
 AGED 35 YEARS
 S/O. SEENA NONDA, OPPATHIMOOLA HOUSE, JODKAL,
 KAYYAR VILLAGE, PIN - 671322

BY ADVS.
SRI.P.MARTIN JOSE
SHRI.NIRMAL.S
SMT.VEENA HARI
SRI.C.DINESH
SHRI.SHREEKANTHA.K
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.R.GITESH
SHRI.AJAY BEN JOSE
SRI.MANJUNATH MENON
SHRI.SACHIN JACOB AMBAT
SMT.ANNA LINDA EDEN
SHRI.HARIKRISHNAN S.
SRI.S.SREEKUMAR (SR.)
SRI.S.VAIDYANATHAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 26.08.2025, ALONG WITH Crl.Rev.Pet.1095/2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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P.V.KUNHIKRISHNAN,J.

Crl.Rev.Pet Nos.1095 & 1105 of 2024

Dated this the 26th day of August, 2025

ORDER

These revision petitions are filed against the order by which a discharge application is allowed and the accused are discharged.

2. This Court in **Xavier Raj vs. State of Kerala (2025 (4) KLT 257)** observed that the remedy against such order is an appeal under Section 14A of the Scheduled Casts and Schedule Tribes (Prevention of Atrocities) Act, 1989. It will be better to extract paragraph 8 of the above judgment.

“From the above authoritative judgment and other judgments of the Apex Court, it is clear that an order passed in a discharge petition is not an interlocutory order, and it is an intermediate order. If that is the case, there is no doubt that an appeal is maintainable under Section 14A of the Act, 1989. When a statutory appeal is maintainable against an order, this Court need not entertain a revision



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against that order invoking the powers under Secs. 438 and 442 of the BNSS.”

In the light of the same, these revision petitions are not maintainable. At this stage, the learned Public Prosecutor submitted that he may be allowed to withdraw these revision petitions with liberty to file an appeal. Liberty is granted. If any appeal is filed, the time during which these revisions was pending before this Court (from 15.10.2024 to 26.08.2025) shall be excluded, if any question of delay arises in such proceedings. The certified copy of the impugned order shall be returned to the learned Public Prosecutor forthwith. Accordingly, these revisions are dismissed as withdrawn.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

bng



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APPENDIX OF CRL.REV.PET 1105/2024

PETITIONER ANNEXURES

Annexure1

CERTIFIED COPY OF ORDER DATED 05-10-
2024 IN SC NO: 80/2023 IN THE COURT OF
SESSIONS KASARGODE



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APPENDIX OF CRL.REV.PET 1095/2024

PETITIONER ANNEXURES

Annexure1

CERTIFIED COPY OF THE ORDER IN CRLMP
NO: 5201 OF 2023 IN SC NO: 80 OF 2023
DATED 05-10-2024