

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Cr1.MC.No. 652 of 2015

AGAINST CC 70/2009 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -III, PUNALUR
CRIME NO. 557/2008 OF PATHANAPURAM POLICE STATION, KOLLAM

PETITIONER/5TH ACCUSED:

SHANAVAS, AGED 29 YEARS
S/O.SHAHULHAMEED, RESIDING AT SHANAVAS MANZIL,
NEAR THYCAVU, PATHIRICKAL MURI,
PATHANAPURAM VILLAGE,
PUNALUR, KOLLAM DISTRICT.

BY ADV. SRI.V.A.AJIVAS

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION,
KOLLAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ABDUL KARIM, AGED 58 YEARS,
S/O.MOIDEEN PILLA RAVOOTHAR,
RESIDING AT KOTTAVILA PURAYIDAM VEEDU,
PATHIRAKKAL MURI, EDATHARA,
PATHANAPURAM VILLAGE,
PUNALUR, KOLLAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 652 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEUXRE A1`- COPY OF THE CHARGE SHEET IN CRIME NO.557/2008 OF
PATHANAPURAM POLICE STATION IN KOLLAM DISTRICT PENDING AS CC
NO.70/08 BEFORE THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE
COURT III, PUNALUR, KOLLAM.

ANNEXURE A2- COPY OF THE DEPOSITION MADE BY THE DEFACTO
COMPLAINANT IN C.C.NO.70/2009 IN HONOURABLE JUDICIAL FIRST CLASS
MAGISTRATE COURT III, PUNALUR, KOLLAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.652 of 2015

Dated this the 18th day of February, 2015

O R D E R

The petitioner herein is the 5th accused in C.C No.70/2009 before the Judicial First Class Magistrate Court III, Punalur. Trial in the said case is going on against five accused. The petitioner herein now seeks orders under Section 482 of the Code of Criminal Procedure quashing the prosecution as against him on the ground that the witnesses examined before the trial court have not stated anything to implicate them. The said prayer cannot be now granted by this Court. When trial is going on in the trial court, this Court cannot intrude into the trial process under Section 482 of the Code of Criminal Procedure and pass order as regards one or the other accused. Having opted to face trial on a charge, the petitioner will have to face trial and receive the final result of the trial. It would be unjust and inappropriate to make an intrusion under Section 482 of the Code of Criminal Procedure when trial is going on. Whether the witnesses have stated anything to implicate the petitioner, or whether he is entitled for acquittal, are all matters to be decided

by the trial court.

In the result, this Criminal Miscellaneous Case is dismissed in limine without being admitted to files.

**P.UBAID
JUDGE**

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