

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Crl.MC.No. 1129 of 2015 ()

AGAINST THE JUDGMENT IN SC 890/2007 of PRL.SUB COURT,THRISSUR DATED
06-03-2010
CRIME NO. 175/1996 OF VADANAPPALLY POLICE STATION , TRISSUR

PETITIONER(S)/3RD AND 14TH ACCUSED:

1. MADHU, AGED 44 YEARS
S/O.NEDUMPARAN VEETIL SIVAN, NEDUMPARAN VEEDU
ANCHANGADI DESOM, VATANAPPILLY VILLAGE
THRISSUR DISTRICT.
2. MANOJ, AGED 42 YEARS
S/OP.KUTTANPARAN VEETIL VELAYUDHAN
KUTTANPARAN VEEDU, CHILANKA BEACH, THAMBANKADAVU
THALIKKULAM VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REP. BY THE CIRCLE INSPECTOR OF POLICE
VALAPPAD POLICE STATION
THRISSUR DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1129 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I : THE TRUE COPY OF THE FIR AND FIS IN CRIME NO.175/1996 OF VATANAPPILLY POLICE STATION IN THRISSUR DISTRICT.

ANNEXURE II : THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.175/1996 OF VATANAPPILLY POLICE STATION IN THRISSUR DISTRICT.

ANNEXURE III : THE TRUE COPY OF THE JUDGMENT DATED 06-03-2010 IN S.C.NO.890/2007 OF THE PRINCIPAL ASSISTANT SESSIONS COURT, THRISSUR.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1129 of 2015**  
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Dated this the 24th February, 2015

ORDER

The petitioners herein are the accused Nos.3 and 14 in S.C No.890 of 2007 of the Principal Assistant Sessions Court, Thrissur. The offences involved in this case are under Sections 143, 147, 148, 323, 324 and 307 read with 149 of Indian Penal Code. The original accused Nos.1,2,7,9 to 13, 15 to 17, 21 and 24 faced trial before the trial court and obtained a judgment of acquittal under Section 232 of the Code of Criminal Procedure when all the material witnesses including the first informant/de facto complainant turned hostile to the prosecution in view of an amicable settlement made by the parties out of court. The prosecution examined two witnesses in the said case including the first informant/de facto complainant and also marked Ext.P1. None of the material witnesses examined in the case supported the prosecution. In such a circumstance, examination of the others was dispensed with, and evidence was closed by the trial court. In the

absence of any evidence or incriminating circumstance, the learned Trial Judge acquitted the accused Nos.1,2,7, 9 to 13, 15 to 17, 21 and 24. The case against the petitioners herein was split up and refiled as S.C No.886 of 2010 before the same court. The petitioners now seek orders quashing the prosecution as against them on the ground that the very substratum of the prosecution case is totally lost by the acquittal of the others, and continuance of prosecution against them will not serve any purpose. Annexure -III judgment in S.C No.890 of 2007 shows that all the material witnesses examined by the prosecution in the said case turned hostile in view of an amicable settlement made by the parties out of court. In such a situation, it is quite definite that the prosecution cannot in any manner improve the case and the witnesses also cannot in any manner help the prosecution, if the case against the petitioners go to trial. In short, such proceeding will be a sheer waste of time.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.886 of 2010 before the Principal Assistant Sessions Court, Thrissur will stand

quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge