

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 1300 of 2015 ()

**IN CC 1354/2014 of J.M.F.C.,PAYYANNUR
CRIME NO. 355/2001 OF PAYANGADI POLICE STATION, KANNUR**

PETITIONER(S)/PETITIONER/ACCUSED NO.7:

**SAJID T.C. AGED 34 YEARS
S/O SHADULI, THUYADI CHEKK HOUSE, MATTOOL CENTRAL
MATTOOL AMSOM DESOM, KANNUR DISTRICT.**

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENT(S)/RESPONDENTS/STATE AND THE DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA
(SUB INSPECTOR OF POLICE, PAYANGADI POLICE STATION
CRIME NO.355/2001) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. P.T.RAVEENDRAN
ZOOLOGY TEACHER, MATTOOL
C.H. MUHAMMED KOYA SMARAKA GOVERNMENT
HIGHER SECONDARY SCHOOL
MATTOOL P.O., KANNUR DISTRICT-670302.**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1300 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE FIR AND F.I. STATEMENT IN CRIME NO.365/2001 OF PAYANGADI POLICE STATION.

ANNEXURE A2 THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.355/2001 OF PAYANGADI POLICE STATION.

ANNEXURE A3: TRUE COPIES OF THE DEPOSITIONS OF PWS 1 TO 10 IN CC NO.130/2002.

ANNEXURE A4: TRUE COPY OF THE JUDGMENT DATED 8.1.2007 IN CC NO.130 OF 2002 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1300 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioner herein is the original accused No.7 in C.C No.130 of 2002 of the Judicial First Class Magistrate Court, Payyannur. The offences involved in this case are under Sections 143, 147, 447, 341, 353, 294(b) r/w 149 of IPC. The other accused faced trial before the trial court, and obtained a judgment of acquittal under Section 255 (1) Cr.P.C, when all the material witnesses turned hostile to the prosecution in view of an amicable settlement made by the parties out of court. The prosecution examined 10 witnesses in the said case, and also marked Exts.P1 and P2. 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 other accused. The case against the petitioner herein was split up, and it is now pending as C.C No.1354 of 2014 before the Judicial First Class Magistrate Court, Payyannur. The petitioner now seeks orders quashing the prosecution as against him on the ground that the

very substratum of the prosecution case is totally lost by the acquittal of the others, and continuance of the prosecution against him will not serve any purpose. Annexure A4 judgment in C.C No. 130 of 2002 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 petitioner goes to trial. In short, such proceeding will be a sheer waste of time.

In the result, this petition is allowed. The prosecution against the petitioner in C.C No.1354 of 2014 before the Judicial First Class Magistrate Court, Payyannur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

P.UBAID,
JUDGE