

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1551 of 2015

**L.P.NO.62/2004 IN C.P.NO.6/2004 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
MANJERI.**

CRIME NO. 330/2003 OF MANJERI POLICE STATION, MALAPPURAM.

PETITIONER/11TH ACCUSED:

**JAFFAR, S/O.MUHAMMADALI,
AGED 34 YEARS, CHAKKIPARAMBIN HOUSE,
NELLIKKUTH, PAYYANADU, MANJERI,
MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION,
MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-I:** THE TRUE COPY OF THE FIR AND FIS IN CRIME NO.330/2003
OF MANJERI POLICE STATION IN MALAPPURAM DISTRICT.
- ANNEXURE-II:** THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.330/2003
OF MANJERI POLICE STATION IN MALAPPURAM DISTRICT.
- ANNEXURE-III:** THE TRUE COPY OF THE JUDGEMENT DATED 15.6.2005 IN
S.C. NO.365/2003 OF THE SESSIONS COURT, MANJERI.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. UBAID, J.

Crl.M.C.No.1551 of 2015

Dated this the 11th day of March, 2015

O R D E R

The petitioner herein is the 11th accused in Crime No.330/2003 of the Manjeri Police Station. The offences involved in this case are under Sections 143, 147, 148, 341, 323, 324, 308 and 427 read with 149 IPC. The other eleven accused faced trial before the trial court, and obtained a judgment of acquittal under Section 232 Cr.P.C., when nobody supported the prosecution. The prosecution examined six witnesses in the said case, and also marked Exts.P1 to P7. 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 eleven accused. The case against the petitioner herein was split up and refiled as C.P.No.6/2004. 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-A3 judgment in

S.C.365/2003 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.P.No.6/2004 before the Judicial First Class Magistrate Court-I, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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