

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 1848 of 2015 ()

**IN CC 716/2012 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO. 329/2012 OF MANJERI POLICE STATION , MALAPPURAM**

PETITIONER(S):

**NAUSHAD
S/O.ABDULLA, AMANATH HOUSE, KEEZHATTUR AMSOM
PATTIKAD, MALAPPURAM DISTRICT**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

R BY PUBLIC PROSECUTOR SMT S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1848 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: TRUE COPY OF THE JUDGMENT DATED 27.11.2014 IN CC.NO. 716/2012
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, MANJERI**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1848 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioner herein is the original first accused in C.C No.716 of 2012 of the Judicial First Class Magistrate Court-I, Manjeri. The offences involved in this case are under Sections 341,323, 506(i) r/w 34 of IPC. The original accused No.2 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. None of the material witnesses examined in the case supported the prosecution. In the absence of any evidence or incriminating circumstance, the learned trial judge acquitted the accused No.2. The case against the petitioner herein was split up and refiled as C.C No.1345 of 2014. 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 other, and continuance of

the prosecution against him will not serve any purpose. Annexure -I judgment in C.C No.716 of 2012 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.1345 of 2014 before the Judicial First Class Magistrate Court -I, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P.UBAID,
JUDGE