

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Cr1.MC.No. 1890 of 2015

IN C.C 147/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
HOSDRUG

CRIME NO. 667/2007 OF HOSDURG POLICE STATION, KASARGOD

PETITIONER/ACCUSED 8:

K.V.BIJU, AGED 28 YEARS,
S/O.BALAN NAIR,
NEAR PUNNAKKAL BHAGAVATHI TEMPLE,
AJANUR VILLAGE.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

1. THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
3. PRAVEEN KRISHNAN, AGED 25 YEARS,
S/O.LATE RADHAKRISHNAN, RESIDING AT KRISHNALAYAM,
KOLAVAYAL, KANHANGAD, AJANUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT-671 531.

R3 BY ADV. SRI.MURUGAN P.V.

R1 & R2 BY SR PUBLIC PROSECUTOR SMT.SAMEERA GEORGE.P

R3 BY SMT.MARY RANZOM LOUIZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1890 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1. COPY OF THE JUDGEMENT IN C.C NO.582/2010 DATED
5/2/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
HOSDURG.

ANNEXURE-A2. COPY OF THE FIR IN CRIME NO.667/2007 OF HOSDURG
POLICE STATION, KASRAGOD.

ANNEXURE-A3. COPY OF THE FINAL REPORT IN CRIME NO.667/2007 OF
HOSDURG POLICE STATION, KASRAGOD.

ANNEXURE-A4. AFFIDAVIT SOWRN BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1890 of 2015

Dated this the 24th day of March, 2015

O R D E R

The petitioner herein is the original 8th accused in Crime No.667/2007 of the Hosdurg Police Station, registered under Sections 143, 147, 148, 323, 324, 427 and 506(ii) r/w 149 of the Indian Penal Code. Five among the eight accused faced trial in C.C No.1511/2007 before the Judicial First Class Magistrate Court I, Hosdurg, and obtained a judgment of acquittal when nobody supported the prosecution. The case against the original accused Nos.4, 7 and 8 was split up and refiled as C.C. No.582/2010. The accused Nos.1 and 2 faced trial and obtained a judgment of acquittal on 5.2.2014 when all the material witnesses turned hostile in view of an amicable settlement. The case against the petitioner herein was split up and refiled as C.C No.337/2014, and it was later transferred to the register of long pending cases. Now the case stands refiled as C.C No.147/2015. 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 prosecution against him will not serve any purpose. Annexure A1 judgment in C.C No.582/2010 shows that 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.147/2015 before the Judicial First Class Magistrate Court I, Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

**P.UBAID
JUDGE**

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