

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1973 of 2015 ()

**IN CC 1463/2010 of J.M.F.C.-I, KOLLAM
CRIME NO. 96/2006 OF EAST KALLADA POLICE STATION , KOLLAM**

PETITIONER(S)/2ND ACCUSED:

**SUNIL @ KUTTAN
S/O.SAMBASIVAN, JANAKI NIVAS, NEAR MANGADU SCHOOL
KILIKOLLOOR CHERRY, MANGADU VILLAGE, KOLLAM.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S)/STATE:

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
EAST KALLADA POLICE STATION REPRESENTED
BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1973 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: THE COPY OF FIR WITH FIS IN CRIME NO. 96/2006 OF EAST KALLADA
POLICE STATION.**

**ANNEXURE II: THE COPY OF FINAL REPORT IN CRIME NO. 96/2006 OF EAST
KALLADA POLICE STATION.**

**ANNEXURE III: THE COPY OF JUDGMENT IN CC NO. 2270/2006 ON THE FILE OF
JFMC - I, KOLLAM.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1973 of 2015

Dated this the 26th day of March, 2015.

O R D E R

The petitioner herein is the original second accused in C.C No.2720 of 2006 of the Judicial First Class Magistrate Court-I, Kollam. The offences involved in this case are under Sections 143, 147, 148, 452, 323, 324, 427 r/w 149 of IPC. The original accused Nos.1,3,4 and 6 faced trial before the trial court and obtained a judgment of acquittal under Section 248(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 case against the others including the petitioner herein was split up and refiled as C.C No.1463 of 2010. 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 3 judgment in C.C No.2720 of 2006 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.1463 of 2010 of the Judicial First Class Magistrate Court-I, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE

sab