

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

CrI.MC.No. 2033 of 2015 ()

IN CC 1194/2014 of J.M.F.C.-II, ERNAKULAM

PETITIONER(S)/ACCUSED NO.8:

**SABU AGED 31 YEARS
S/O.SCARIA, CHARUVIN VADAKKETHIL HOUSE
PUTHUMALA KARA KODUMAN VILLAGE
PATHANAMTHITTA DISTRICT**

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSEUCTOR
HIGH COURT OF KERALA 682 031.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**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. 2033 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- CERTIFIED COPY OF THE F.I STATEMENT

ANNEXURE A2- CERTIFIED COPY OF THE F.I.R

ANNEXURE A3- CERTIFIED COPY OF THE CHARGE SHEET

ANNEXURE A4- CERTIFIED COPY OF THE DATED 18.7.13 IN CC.NO.1600 OF 2003

ANNEXURE A5- CERTIFIED COPY OF THE DATED 20.1.2014 IN C.C.NO.2123/14

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 2033 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioner herein is the original 8th accused in C.C. No.1600 of 2003 of the Judicial First Class Magistrate Court-II, Ernakulam. All the accused in the case except the accused Nos. 6 and 8 faced trial in C.C No.1600 of 2003 before the learned Magistrate, and obtained a judgment of acquittal when 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 accused Nos. 6 and 8 was split up and refiled as C.C No.1194 of 2014. Later the original accused No.6 faced trial before the learned Magistrate in C.C No.2123 of 2014. He also obtained a judgment of acquittal when nobody supported the prosecution. The case against the petitioner herein continues as C.C No.1194 of 2014. The Annexure A4 is copy of the judgment in C.C No.1600 of 2003, and Annexure A5 is copy of the judgment in C.C No.2123 of 2014. These

judgment will show that the material witnesses turned hostile during trial in view of an amiable settlement made by the parties out of court. 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. 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.1194 of 2014 before the Judicial First Class Magistrate Court -II, Ernakulam 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.

P.UBAID,
JUDGE