

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

CrI.MC.No. 2094 of 2015 ()

AGAINST CC 1641/2014 of J.M.F.C.-I, KANNUR DATED
CRIME NO. 172/2007 OF KANNUR TOWN , KANNUR

PETITIONER(S)/ACCUSED :

P.PRAVEEN @ UNNI AGED 30 YEARS
S/O. SUNDARAN, UMESH NIVAS, ELAYAVOOR AMSOM
KEEZHTHALI, KANNUR DISTRICT-670 594.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S)/STATE :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2094 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A : COPY OF THE FINAL REPORT FILED BY THE POLICE IN CRIME NO.172 OF 2007 OF KANNUR TOWN POLICE STATION.

ANNEXURE B : COPY OF THE JUDGMENT DTD.20.8.2009 IN CC 425 OF 2007 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANNUR.

ANNEXURE C : COPY OF THE JUDGMENT DTD.27.7.2011 IN CC NO.400 OF 2009 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1, KANNUR.

ANNEXURE D : COPY OF THE JUDGMENT DTD.19.11.2014 IN CC 465 OF 2011 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT NO.1, KANNUR.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No.2094 of 2015**

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Dated this the 31st March, 2015

ORDER

The petitioner herein is the original 8th accused in C.C No.425 of 2007 of the Judicial First Class Magistrate Court-I, Kannur, involving the offences under Sections 143, 147, 148, 324 and 326 read with 149 of Indian Penal Code. The de facto complainant who made complaint before the Police is the respondent in this proceeding. The other seven accused in the case faced trial before the trial court at different stages and obtained judgment of acquittal 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 petitioner herein was split up and refiled, and it is now pending as C.C.1641 of 2014 before the same court. The petitioner 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. The copy of the judgments in C.C Nos.425 of 2007 (Annexure -B),

400 of 2009 (Annexure-C) and 465 of 2011 (Annexure-D) will show that none of the witnesses including the de facto complainant examined by the prosecution supported the prosecution during trial. The other victims of offence who sustained injuries in the alleged incident also turned hostile in view of an amicable settlement made by the parties out of court. On a perusal of these judgments, I find that the prosecution cannot in any manner improve the case against the petitioner herein if his case goes to trial. Thus, I find that the very substratum of the prosecution case is totally lost by the acquittal of the other accused at different stages. In such a situation, continuance of prosecution against the petitioner will be a sheer waste of time.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1641 of 2014 of the Judicial First Class Magistrate's Court-I, Kannur 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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