

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2276 of 2015 ()

CRIME NO. 554/2003 OF THIRUVALLA POLICE STATION.

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PETITIONER/ACCUSED NO.4:

**B. MANOJKUMAR, AGED 44 YEARS,
VADAKKEMADOM, PERINGARA P.O.,
THIRUVALLA.**

**BY ADVS.SMT.K.P.SANTHI,
SRI.R.JAYAKRISHNAN (MUTHUKULAM),
SRI.RILGIN V.GEORGE,
SMT.E.U.DHANYA,
SMT.SINDHU MURALEEDHARAN.**

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAJU, SON OF VASUDEVAN,
NADUVILE MURI, NEDUMBRAM - 689 110.**

R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE-I:** TRUE COPY OF FIR IN CRIME NO.554 OF 2003 OF THE THIRUVALLA POLICE STATION.
- ANNEXURE-II:** TRUE COPY OF FINAL REPORT IN CRIME NO.554 OF 2003 OF THE THIRUVALLA POLICE STATION.
- ANNEXURE-III:** TRUE COPY OF THE JUDGMENT IN C.C.NO.140 OF 2005 OF THE JFMC, THIRUVALLA DATED 25.03.2011.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.2276 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioner herein is the 4th accused in C.C. No.140/2005 of the Judicial First Class Magistrate Court, Thiruvalla. The offences involved in this case are under Sections 143, 147, 148, 149 and 324 IPC. The accused Nos.1, 3 and 5 to 8 faced trial before the learned Magistrate in C.C.No.140/2005, and obtained a judgment of acquittal on 25.03.2011, when the witnesses examined by the prosecution did not, in any manner, support the prosecution. The case against the accused Nos.2 and 4 was split up and refiled. The case against the petitioner herein now stands transferred to the register of long pending cases as L.P.No.12/2015. None of the material witnesses examined in the case supported the prosecution. In such a circumstance, examination of the others was dispensed with and evidence was closed by the trial court. In the absence of any evidence or incriminating circumstance, the learned Magistrate acquitted the accused Nos.1, 3 and 5 to 8. 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-A3 judgment in C.C. 140/2005 shows that the material witnesses examined by the prosecution in the said case turned hostile in view of an amicable settlement. 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 L.P.No.12/2015 will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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