

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2866 of 2015

**CC 1429/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
VAIKOM, DATED 26-11-2014
CRIME NO.355/2013,THALAYOLAPARAMBU POLICE STATION,**

PETITIONER(S)/ACCUSED:

**SREEJITH, S/O.GOPALAKRISHNAN,
SREEKRISHNAVEEDU, EDAVATTOM KARA
KULASHEKHARAMANGALAM VILLAGE.**

BY ADV. SRI.SIVARAM

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY ADDL. SUB INSPECTOR OF POLICE,
THALAYOLAPARAMBU POLICE STATION, (CRIME NO.355/2013),
REPRESENTED BY PUBLIC PROSECUTOR, ERNAKULAM 682 031.**

BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 15-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 2866 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE A: A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.355/13 OF
THALAYOLAPARAMBU POLICE STATION**

ANNEXURE B: CERTIFIED COPY OF THE DEPOSITION OF PW1

ANNEXURE C: CERTIFIED COPY OF THE DEPOSITION OF PW2

**ANNEXURE D: CERTIFIED COPY OF THE JUDGMENT OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-1, VAIKKOM IN CC.NO.305/2013 DATED 26/11/14**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJH

P.UBAID, J.

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**Crl.M.C No.2866 of 2015**

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Dated this the 15th day of May, 2015

ORDER

The petitioner herein is the original 7th accused in C.C No.305 of 2012 of Judicial First Class Magistrate Court – I, Vaikom, involving offences punishable under Sections 143, 147 and 341 r/w Section 149 of IPC. The accused Nos.1 to 6 and 8 faced trial before the learned Magistrate and obtained a judgment of acquittal on 26.11.2014. The case against the petitioner herein was split up and refiled as C.C No.1429 of 2014. 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 -D judgment in C.C No.305 of 2013 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.1429 of 2014 before the Judicial First Class Magistrate Court – I, Vaikom will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

vdv