

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936**

**CrI.MC.No. 2928 of 2014 ()**

**LP 57/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR  
CRIME NO. 323/1999 OF CHATHANNOOR POLICE STATION, KOLLAM DISTRICT**

**=====**

**PETITIONER/4TH ACCUSED:**

**-----**

**PRAKASH VARGHESE, AGED 38 YEARS  
JISTO VILLA, POOYAPALLY P.O., KOLLAM-691 537.**

**BY ADV. SRI.D.AJITHKUMAR**

**RESPONDENTS/STATE & COMPLAINANT:**

**-----**

- 1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE  
CHATHANNOOR POLICE STATION, KOLLAM-673307.**

**BY PUBLIC PROSECUTOR SMT. S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-02-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 2928 of 2014 ()**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
-----

**ANNEXURE-A.PHOTOCOPY OF THE FIR IN CRIME NO.323/1999 OF CHATHANOOR  
POLICE STATION.**

**ANNEXURE-B.CERTIFIED COPY OF THE FINAL REPORT IN LP NO.57/2008 IN CRIME  
NO.323/1999 ON THE FILE OF THE COURT OF JFCMC, SOUTH  
PARAVUR,KOLLAM.**

**RESPONDENTS' EXHIBITS**  
-----

**NIL**

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

-----  
Crl.M.C.No.2928 of 2014  
-----

Dated this the 11<sup>th</sup> day of February, 2015

O R D E R

The petitioner herein is the original 4<sup>th</sup> accused in C.C.No.457/2000 of the Judicial First Class Magistrate Court, Paravur. The offences involved in this case are under Sections 419, 468 and 471 IPC read with 34 IPC. The original accused Nos.1 to 3 faced trial before the trial court and obtained a judgment of acquittal under Section 248(1) Cr.P.C., when the prosecution miserably failed to prove the offences. The prosecution examined two witnesses in the said case. None of the witnesses supported the prosecution. In the absence of any evidence or incriminating circumstance, the learned Magistrate acquitted the accused Nos. 1 to 3. The case against the petitioner herein was split up and refiled as C.C.No.225/2006 and it stands transferred to the long pending register as L.P.No.57/2008. 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. The judgment in C.C.457/2000 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.225/2006 of the Judicial First Class Magistrate Court, Paravur (now, L.P.No.57/2008), 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.

Sd/-

P. UBAID, JUDGE

sd