

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Cr1.MC.No. 4413 of 2015

AGAINST THE JUDGMENT IN SC 184/2014 of SPECIAL COURT (ATROCITIES
AGAINST SC/ST), MANJERI DATED 31-10-2014

IN CP 50/2013 of J.M.F.C., NILAMBUR

CRIME NO. 50/2011 OF POTHUKAL POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

RAFEEQUE,
S/O.SOUKATH, PULATH PULIKKOTTIL VEEDU,
POOKKOTTUMANNA,
NILAMBUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJURAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4413 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A: COPY OF THE MEMORANDUM OF EVIDENCE AND CHARGE IN CRIME
NO.50/2011 OF THE POTHUKAL POLICE STATION

B: COPY OF THE JUDGMENT OF THE SPECIAL COURT FOR SC/ST (PO) ACT
CASES MANJERI IN S.C NO.184/2014 DATED 31/10/2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4413 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioner herein is the original 6th accused in Crime No.50/2011 of the Pothukal Police Station. The offences involved in the case are under Sections 143, 147, 447, 323, 294(B) and 354 r/w 149 of the Indian Penal Code. The case against the other accused was committed to the Court of Session and they faced trial before the learned Additional Sessions Judge for SC/ST (POA) Act Cases in S.C No.184/2014 and obtained a judgment of acquittal. The case against the petitioner herein was split up in the committal court itself as C.P No.50/2013. 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 B judgment in S.C No.184/2014 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.P No.50/2013 before the Judicial First Class Magistrate Court, Nilambur 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**

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