

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 5845 of 2015 ()

CC 1001/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG

PETITIONERS/ACCUSED :

- 1. M.VINU @ VINOD, AGED 35 YEARS,
S/O.NARAYANAN, MATTUMMAL, CHITHARI P.O.
KASARAGOD DISTRICT.**
- 2. M. RAJEEVAN, AGED 34 YEARS,
S/O. NARAYANAN, MATTUMMAL, CHITHARI P.O.,
KASARAGOD DISTRICT.**
- 3. RAJAN K., AGED 37 YEARS,
S/O. KOTTAN, POYYAKKARA, CHITHARI P.O.,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTED BY SHO
HOSDURG POLICE STATION - 671 121.**

BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

CrI.MC.No. 5845 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.79/2005 OF
HOSDURG POLICE STATION SUBMITTED BEFORE THE JUDICIAL
FIRST CLASS MAGISTRATE COURT - I, HOSDURG.**

**ANNEXURE-A2: TRUE COPY OF THE JUDGMENT DATED 18.9.2007 IN CC 1168/2005
ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
HOSDURG.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Crl.M.C. No. 5845 of 2015

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Dated this the 17th day of December, 2015

ORDER

Petitioners are the accused in C.C.No.1001/2011 of the Judicial First Class Magistrate's Court-I, Hosdurg, which has arisen from Crime No.79/2005 of the Hosdurg Police Station. Originally, the case was taken on file as C.C.No.1168/2005. There were altogether 18 accused. The petitioners were A5, A16 and A17 in the case. All the other accused except A6 were acquitted. The case against the petitioners as well as A6 was split up. According to the petitioners, even if the trial is continued, no purpose would be served and there is no possibility of a conviction in the matter.

As per Annexure-A2 judgment, it seems that three occurrence witnesses, who were examined before the

court below turned hostile to the prosecution and did not support the prosecution case. They did not identify any of the accused. The de facto complainant was examined as PW4. According to him, he could not identify any of the persons, who had committed trespass and mischief. Matters being so, all further proceedings against the petitioners in C.C.No.1001/2011 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, can be quashed.

In the result, this Crl.M.C is allowed and all further proceedings against the petitioners in C.C.No.1001/2011 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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