

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Cr1.MC.No. 5898 of 2015 ()

CC 869/2014 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,
PERINTHALMANNA
CRIME NO. 445/2013 OF MELATTUR POLICE STATION, MALAPPURAM

PETITIONER/6TH ACCUSED:

HANEEFA,
S/O.HAMSA, PONNIYATH HOUSE, MELKULANGARA,
THELAKKAD, MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MELATTUR POLICE STATION,
MALAPPURAM DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.SAREENA

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

Cr1.MC.No. 5898 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I : COPY OF THE FIR IN CRIME 445/2013.

ANNEXURE II : COPY OF THE CHARGE SHEET IN CRIME 445/2013.

ANNEXURE III : COPY OF THE JUDGMENT DT.30.08.2014 IN CC
40/2014.

ANNEXURE IV : TRUE COPY OF THE JUDGMENT DT.10-7-2015 IN
CRL.M.C.NO.4265/2015.

RESPONDENT'S ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/13/11/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 5898 of 2015

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Dated this the 11th day of November, 2015

ORDER

The petitioner was the 6th accused in Crime No.445 of 2013 of the Melattur Police Station, registered for the offences under Sections 143, 147, 148, 341, 323, 324, 427 and 448 read with Section 149 IPC.

2. Final Report was filed in the matter and the case was taken on file as C.C.No.40 of 2014. As the petitioner was absconding the trial against the other accused was proceeded with and the case against the petitioner was split up and re-filed as C.C.No.869 of 2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna.

3. It seems that the case against A1 to A5 ended in acquittal through Annexure-III judgment. PW1 to PW5 were

examined before the court below and other witnesses were given up by the prosecution, as PWs 1 to 5 did not support the prosecution case. The court below was satisfied that the matter was settled. The injured had deposed before the court below that he was attacked by a group of persons and he could not identify any of them. The other occurrence witnesses also did not support the prosecution case and did not identify the accused. It was on that ground A1 to A5 were acquitted through Annexure-III judgment. Through Annexure-IV judgment, this Court has quashed the proceedings in the counter case also.

4. On going through the said matter, it seems that the continued trial in C.C.No.869 of 2014 will not yield any result in favour of the prosecution. No purpose would be served through such continued trial and it would be a waste of time. Considering all these, this Court is of the view that the proceedings against the petitioner in C.C.No.869 of 2014 before the Judicial First Class Magistrate's Court-II, Perinthalmanna,

based on Annexure-II Final Report in Crime No.445 of 2013 of the Melattur Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in C.C.No.869 of 2014 before the Judicial First Class Magistrate's Court-II, Perinthalmanna, based on Annexure-II Final Report in Crime No.445 of 2013 of the Melattur Police Station, are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/11/11/15

// True Copy //

P.A. To Judge