

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Crl.MC.No. 5977 of 2015

**CC 747/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 505/2010 OF VATAGARA POLICE STATION, KOZHIKODE**
.....

PETITIONER(S)/ACCUSED NO 2 & 3:

- 1. CHERUKIDA MUHAMMAD, AGED 28 YEARS,
S/O.MOIDU, CHERUKIDA, THIRUVALLUR AMSOM
THODANUR, VATAKARA THALUK**
- 2. ITHIL KUNNUMMAL NAJEEB, AGED 28 YEARS,
S/O. ALI, ITHIL KUNNUMMAL HOUSE, THIRUVALLUR AMSOM,
THODANUR, VATAKARA THALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1 CERTIFIED COPY OF FINAL REPORT IN CRIME 505/2010 OF VATAKARA
POLICE STATION.**

**ANNEXURE II CERTIFIED COPY OF THE JUDGMENT IN C.C 673/2010 OF JFCM,
COURT, VATAKARA**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.5977 of 2015 C
.....

Dated this the 3rd day of November, 2015

ORDER

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Petitioners are A2 and A3 in CC No.747/2013 of the Judicial First Class Magistrate's Court, Vatakara, which has arisen from Crime No.505/2010 of Vatakara Police Station registered for the offences punishable under Sections 143, 147, 148, 324, 427 and 452 read with Section 149 IPC. Final report was filed in the matter and the case was taken up as CC No.673/2010 before the Judicial First Class Magistrate's Court, Vatakara, in which the petitioners were the 2nd and 3rd accused. As the petitioners were absconding, the case against them was split up and the case against A1 was proceeded with. All the witnesses turned hostile to the prosecution and did not identify any of the accused. Even PW1, who was the injured, has deposed before the court below that she did not know the persons attacked her. The other occurrence witnesses cited by the prosecution also deposed that they did not know anything

regarding the incident and they did not see the incident.

2. A1 and A2 were acquitted through Annexure-II judgment.

3. On a perusal of Annexure-II judgment and considering the facts and circumstances of the case, this Court is satisfied that no purpose would be served in proceeding with the matter against the petitioners further. Matters being so, all further proceedings against the petitioners in CC No.747/2013 of the Judicial First Class Magistrate's Court, Vatakara, which has arisen from Crime No.505/2010 of Vatakara Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-I final report and all further proceedings against the petitioners in CC No.747/2013 of the Judicial First Class Magistrate's Court, Vatakara, which has arisen from Crime No.505/2010 of Vatakara Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/11

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PA to Judge