

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Cr1.MC.No. 4819 of 2014 ()

SC 532/2013 of SPECIAL COURT FOR SC/ST (POA) ACT CASES,
MANJERI

CP 45/2000 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
MANJERI

PETITIONER/ACCUSED NO.3:

RAFEEQUE, AGED 34 YEARS,
S/O.ABDULLA, POOZHIKKOOTH HOUSE, MELAKKAM,
MALAPPURAM.

BY ADVS.SRI.V.T.RAGHUNATH
SMT.C.V.RAJALAKSHMI
SRI.K.P.MOHAMMED SHAREEF

RESPONDENTS/COMPLAINANT & STATE :

1. T. RAMACHANDRAN, AGED 36 YEARS,
S/O.UNNIKUTTY, KAVANNUR, MALAPPURAM DISTRICT-673 644.

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

R2 BY PUBLIC PROSECUTOR SMT. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/10/12/15

Cr1.MC.No. 4819 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-1. COPY OF THE FIR IN CRIME NO.455/97 OF MANJERI
POLICE STATION DATED 1/12/1997.

ANNEXURE-2. COPY OF THE RELEVANT PAGES 1,2,7,8,31 AND 32 OF
THE FINAL REPORT NO.390/98 DATED 12/4/1998.

ANNEXURE-3. COPY OF THE DEPOSITION OF PW1 IN SC 532/13 OF SPL.
COURT FOR SC/ST (POA) ACT CASES MANJERI DATED 29/8/2013.

ANNEXURE-4. COPY OF THE DEPOSITION OF PW2 IN SC 532/13 OF SPL.
COURT FOR SC/ST (POA) ACT CASES MANJERI DATED 29/8/2013.

ANNEXURE-5. COPY OF THE DEPOSITION OF PW3 IN SC 532/13 OF SPL.
COURT FOR SC/ST (POA) ACT CASES MANJERI DATED 29/8/2013.

ANNEXURE-6. COPY OF THE DEPOSITION OF PW4 IN SC 532/13 OF SPL.
COURT FOR SC/ST (POA) ACT CASES MANJERI DATED 29/8/2013.

ANNEXURE-7. COPY OF THE DEPOSITION OF PW5 IN SC 532/13 OF SPL.
COURT FOR SC/ST (POA) ACT CASES MANJERI DATED 9/9/2013.

ANNEXURE-8. COPY OF THE JUDGMENT IN SC 532/13 DATED
24/09/2013 OF SPL. COURT FOR SC/ST (POA) ACT CASES MANJERI.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/10/12/15

B.KEMAL PASHA, J.

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Crl.M.C. No.4819 of 2014

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Dated this the 8th day of December, 2015

ORDER

The petitioner is the 3rd accused in Crime No.455 of 1997 of the Manjeri Police Station, which is presently pending as Sessions Case No.532 of 2013 before the Special Court for SC/ST (POA) Act Cases, Manjeri, for the offences under Sections 143, 147, 148, 323 and 324 read with Section 149 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. All the other accused in the case faced trial in two sessions cases for the same, as S.C.No.329 of 2007 and S.C.No.277 of 2009. All the other accused, except the

petitioner, were acquitted. As the petitioner was absconding, the case against him was split up and presently it is pending as S.C.No.532 of 2013.

3. The petitioner has produced the copies of the depositions of PWs 1 to 5 in the Sessions Case No.277 of 2009. The depositions are self-speaking. The two injured persons, who were examined as PWs 1 and 2, have not identified any of the accused. The other occurrence witnesses, who were cited and examined as PWs 3 to 5, have also not identified any of the accused and have turned hostile to the prosecution. When the other accused were acquitted under Section 232 Cr.P.C., in two separate cases arose from the very same Crime, there is no scope for any conviction in the present case. It seems that the matter has been settled between the parties and that was the reason why PWs 1 and 2, who were the injured persons in the case, had turned hostile of the prosecution. When no fruitful purpose would be served in continuing the prosecution, it will be

a wastage of time. Matters being so, all further proceedings in Sessions Case No.532 of 2013 before the Special Court for SC/ST (POA) Act Cases, Manjeri, as against the petitioner, based on Annexure-2 Final Report in Crime No.455 of 1997 of the Manjeri Police Station, are liable to be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in Sessions Case No.532 of 2013 before the Special Court for SC/ST (POA) Act Cases, Manjeri, as against the petitioner, based on Annexure-2 Final Report in Crime No.455 of 1997 of the Manjeri Police Station, are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/8/12/15

// True Copy //

PA. To Judge