

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cri.MC.No. 6744 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1385/2014 of J.M.F.C.-V, KOZHIKODE
CRIME NO. 393/2011 OF FEROKE POLICE STATION , KOZHIKODE

PETITIONER(S):

1. P. SHIJU, S/O.NARAYANAN
PALATTU NAGAR, MEENCHANTHA, ARTS COLLEGE P.O
KOZHIKODE 673 028.
2. SYAMJITH
S/O.SASIDHARAN, PAREEKATTIL HOUSE, PERUMUGHAM P.O
KOZHIKODE 673 631.

BY ADVS.SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR

RESPONDENT(S):

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

R BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. COPY OF THE FIR AND CHARGE SHEET IN CRIME NO.393/2011 DATED 11.7.11 OF THE FEROKE POLICE STATION.

ANNEXURE 2. COPY OF THE JUDGMENT DATED 22.8.14 IN CC 415/12 OF THE JUDICIAL FIRST CLASS MAGISTRATE - V, KOZHIKODE.

ANNEXURE 3. COPY OF THE DEPOSITION OF THE WITNESSES PW-1 IN CC 415/12 OF THE JUDICIAL FIRST CLASS MAGISTRATE - V, KOZHIKODE.

ANNEXURE 4. COPY OF THE DEPOSITION OF THE WITNESSES PW-2 IN CC 415/12 OF THE JUDICIAL FIRST CLASS MAGISTRATE - V, KOZHIKODE.

ANNEXURE 5. COPY OF THE DEPOSITION OF THE WITNESSES PW-3 IN CC 415/12 OF THE JUDICIAL FIRST CLASS MAGISTRATE - V, KOZHIKODE.

ANNEXURE 6. COPY OF THE DEPOSITION OF THE WITNESSES PW-4 IN CC 415/12 OF THE JUDICIAL FIRST CLASS MAGISTRATE - V, KOZHIKODE.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6744 of 2015 C
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Dated this the 13th day of November, 2015

O R D E R

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Petitioners are A2 and A4 in Crime No.393/2011 of Feroke Police Station for the offences punishable under Sections 341, 323, 427 and 294(b) read with Section 34 IPC. The matter was investigated and final report was filed. The same was taken on file as C.C. No.415/2012 before the Judicial First Class Magistrate's Court-V, Kozhikode. According to the petitioners, the matter was settled between the injured and all the accused. The 1st petitioner had to go to Dubai and the 2nd petitioner had to leave for Bangalore in connection with their employment and, therefore, they could not participate in the trial of the case. C.C. No.415/2012 was proceeded with and it culminated in the acquittal of the

other accused. All the witnesses examined by the prosecution have turned hostile and it was admitted by the injured and the other occurrence witnesses that the matter was settled between the parties.

2. The petitioners have produced the copy of the depositions of all the prosecution witnesses, who were examined, and the copy of the judgment passed by the court below in C.C. No.415/2012.

3. No criminal antecedents have been reported against the petitioners. They are not accused in any other case.

4. On hearing the learned counsel for the petitioners and on going through the records, this Court is satisfied that no purpose would be served in proceeding with the prosecution further. The case against the petitioners is presently pending as C.C. No.1385/2014. Matters being so, this is a fit case wherein the proceedings in the said case against the petitioners in Crime No.393/2011 of Feroke

Police Station can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioners in CC No.1385/2014 of the Judicial First Class Magistrate's Court-V, Kozhikode, which has arisen from Crime No.393/2011 of Feroke Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/11

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PA to Judge