

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Crl.MC.No. 6802 of 2015

**CC 909/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERINTHALMANNA
CRIME NO. 248/2010 OF MELATTUR POLICE STATION, MALAPPURAM**

PETITIONER(S)/2ND ACCUSED:

**JASEER,
S/O.AHAMMEDUNNI, KOORIYAT VETTAMPARAMBIL HOUSE,
PATTIKKAD, MULLIAKURSSI AMSOM DESOM,
PERITHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.MUHAMMED SALAHUDHEEN

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 : TRUE COPY OF THE CMP NO.3276/2010 ON THE FILES OF THE
JUDICIAL MAGISTRATE OF FIRST CLASS-II, PERINTHALMANNA
DT 16-8-2010.**

**ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT IN CC NO.600/2010 OF THE
JUDICIAL MAGISTRATE OF FIRST CLASS-II, PERINTHALMANNA
DT 15-10-2015.**

**ANNEXURE A3 : TRUE COPY OF THE JUDGMENT OF ACQUITTAL IN CC NO.600/2010
ON THE FILES OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II,
PERINTHALMANNA DT 7-10-2013.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
CRL.M.C. No. 6802 of 2015
.....

Dated this the 16th day of November, 2015

ORDER

Petitioner was the 2nd accused in C.C. No.600/2010 of the Judicial First Class Magistrate's Court-II, Perinthalmanna, which had arisen from Crime No.248/2010 of the Malattoor Police Station for the offence punishable under Sections 447, 427, 506 and 294(b) read with Section 34 of the Indian Penal Code.

2. As the petitioner was absconding, the case against him was split up and refiled as C.C.No.909/13 before the Judicial First Class Magistrate's Court, Perinthalmanna. The case was proceeded with in C.C.No.600/2010, which has culminated in the acquittal of the other accused. The petitioner is the son of the first accused.

3. A1 and A3 were acquitted through Annexure A3

judgment. On going through Annexure A3 judgment, it seems that there was no evidence against the accused and the witnesses did not support the prosecution case. Even if the prosecution in C.C.No.909/13 is continued, there will not be any chance for conviction. In such case, there is no meaning in proceeding with the futile exercise. Matters being so, all further proceedings in C.C.No.909/13 pending before Judicial First Class Magistrate's Court-II, Perinthalmanna, based on Annexure A2 Final Report can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in C.C.No.909/13 pending before Judicial First Class Magistrate's Court-II, Perinthalmanna, based on Annexure A2 Final Report, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge