

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6882 of 2015

**JUDGMENT DATED 30-09-2010 IN SC 348/2008 OF SPL. COURT FOR TRIAL OF OFFENCE
U/A 33/1989, THALASSERY**

**CP 39/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KANNUR
CRIME NO. 518/2007 OF VALAPPATANAM POLICE STATION, KANNUR**
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PETITIONER(S)/4TH ACCUSED:

**M.V.PRASAD,
S/O.P.V.BALAN NAIR, PULAKKARA HOUSE, P.O.AROLI,
KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION
KANNUR DISTRICT. THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: COPY OF THE CHARGE SHEET IN CRIME NO.518/07 OF VALAPATTANAM
POLICE STATION ISSUED TO THE PETITIONER FROM THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-II, KANNUR.**

**ANNEXURE-II: CERTIFIED COPY OF THE JUDGMENT DATED 30.9.2010 IN
S.C.NO.348/2008 PASSED BY THE SPECIAL COURT FOR THE TRIAL OF
OFFENCES UNDER THE ACT 33 OF 1989 THALASSERY.**

ANNEXURE-III: TRUE COPY OF THE DEPOSITION OF PW1.

ANNEXURE-IV: TRUE COPY OF THE DEPOSITION OF PW2.

ANNEXURE-V: TRUE COPY OF THE DEPOSITION OF PW3.

ANNEXURE-VI: TRUE COPY OF THE DEPOSITION OF PW4.

ANNEXURE-VII: TRUE COPY OF THE DEPOSITION OF PW5.

ANNEXURE-VIII: TRUE COPY OF THE DEPOSITION OF PW6.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 6882 of 2015

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Dated this the 2nd day of November, 2015

ORDER

The petitioner is the accused in C.P No. 39/2015 of the Judicial First Class Magistrate's Court-II, Kannur, which has arisen from Crime No.518/2007 of the Valapattanam Police Station, Kannur District. The petitioner was originally the 4th accused in the crime. There were five accused. The offences alleged against them are under Sections 341 and 324 read with Section 34 IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. As the petitioner was abroad, he could not participate in the trial conducted earlier. The trial against A1, A2, A3 and A5 was proceeded with as Sessions Case No.348/2008 and the same ended in an acquittal. It seems that the de facto complainant PW1, and the other witnesses

examined as PWs.2 to 6 had not supported the prosecution case before the court below and consequently, A1, A2, A3 and A5 were acquitted. The deposition of those witnesses are also available, which show that those witnesses had not identified any of the accused and turned hostile to the prosecution. PW1 had deposed that he could not identify the persons, who attacked him. It has come out before the court below in the said trial, that the matter was settled between the parties.

3. On going through the entire matter, it seems that no fruitful purpose would be served in proceeding with the matter as against the present petitioner. Matters being so, all further proceeding in C.P No. 39/2015 of the Judicial First Class Magistrate's Court-II, Kannur in Crime No.518/2007 of the Valapattanam Police Station, Kannur District, as against the petitioner, can be quashed.

In the result, this Crl.M.C is allowed and all further proceeding in C.P No. 39/2015 of the Judicial First Class

Magistrate's Court-II, Kannur in Crime No.518/2007 of the Valapattanam Police Station, Kannur District, as against the petitioner, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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