

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. 6928 of 2015 ()

CRIME NO. 269/2001 OF PALODE POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/1ST ACCUSED :

**MOHANAN
AGED 44, S/O.KUNJUKRISHNA PILLAI, BHAGAVATHI VILASOM
PERINGAMMALA P.O., PALODE, THIRUVANANTHAURAM.**

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENT :

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

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:**

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Crl.MC.No. 6928 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.269/2001
OF PALODE POLICE STATION.**

**ANNEXURE 2: PHOTOCOPY OF THE JUDGMENT DATED 23/7/2013 IN
S.C NO.298/2006 ON THE FILE OF ASST. SESSIONS COURT,
NEDUMANGADU.**

**ANNEXURE 3: PHOTOCOPY OF THE DEPOSITION OF PW1, IN S.C NO.298/2006
BEFORE THE ASSISTANT SESSIONS COURT, NEDUMANGADU.**

**ANNEXURE 4: PHOTOCOPY OF THE DEPOSITION OF PW5, IN S.C NO.298/2006
BEFORE THE ASSISTANT SESSIONS COURT, NEDUMANGADU.**

**ANNEXURE 5: PHOTOCOPY OF THE DEPOSITION OF PW6 IN S.C NO.298/2006
BEFORE THE ASSISTANT SESSIONS COURT, NEDUMANGADU.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 6928 of 2015

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Dated this the 2nd day of November, 2015

ORDER

The petitioner is the accused in S.C.No.1356/2013 of the Assistant Sessions Court, Nedumangadu, which has arisen from Crime No.269/2001 of the Palode Police Station, Thiruvananthapuram, for the offences punishable under Sections 143, 147, 149 and 283 read with Section 149 IPC and Sections 3 and 5 of the Explosive Substance Act.

2. The petitioner was originally the 1st accused in the crime. There were altogether 14 accused. The Sessions Case as against A2 to A14 was tried as Sessions Case No.298/2006 before the Assistant Sessions Court, Nedumangadu. All the said accused were acquitted through Annexure -2 judgment.

3. According to the petitioner, no purpose would be served in proceeding with the matter against him. On going through Annexure-2 judgment, it seems that no specific

overt acts were alleged against the accused and consequently, they were acquitted. Over and above it, apart from one of the accused, who was A6, no other accused were identified before the court below. The main overt act was alleged as against A6 as the person, who threw the crackers on the road. He was also acquitted.

4. It seems that no specific overt acts are alleged against the petitioner. The case relates to the causing of obstruction on a public road near Peringamala junction on a harthal day, and a consequent tumult. The depositions of the witnesses have also been produced before this Court.

5. On going through the deposition as well as Annexure - 2 judgment, this Court is satisfied that there is no possibility of a conviction in the matter even if the trial is proceeded with as against the petitioner. Matters being so, the proceedings against the petitioner in S.C.No.1356/2013 of the Assistant Sessions Court, Nedumangadu is quite unnecessary and the same can be quashed.

In the result, this Crl.M.C is allowed and all further proceedings in S.C.No.1356/2013 of the Assistant Sessions Court, Nedumangadu in Crime No.269/2001 of the Palode Police Station, Thiruvananthapuram as against the petitioner, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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