

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Crl.MC.No. 6952 of 2015 ()

CC 297/2011 of C.J.M., KALPETTA

CRIME NO. 60/2010 OF VYTHIRI POLICE STATION, WAYANAD

PETITIONER/2ND ACCUSED:

VISHNU RAJENDRAN
S/O.RAJEDNRAN, AMBAZAYAM, CHANDAN VILLAS POTTANKAVU
KALLODE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VYTHIRI POLICE STATION, REPRESENTED
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN-682 031.

BY PUBLIC PROSECUTOR SMT.SAREENA.

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

Cr1.MC.No. 6952 of 2015 ()

APPENDIX

PETITIONER(S) ' ANNEXURES:

ANNEXURE-A1. TRUE COPY OF THE FINAL REPORT IN CRIME NO.60/2010 OF
VYTHIRI POLICE STATION

ANNEXURE-A2. CERTIFIED COPY OF THE JUDGMENT DATED 22/8/2011 IN
CC NO.100/2010 OF THE CJM, KALPETTA.

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. 6952 of 2015

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Dated this the 11th day of November, 2015

ORDER

The petitioner was the 2nd accused in Crime No.60/2010 of the Vythiri Police Station, Wayanad District, for the offences under Sections 341, 323 and 324 read with Section 34 IPC.

2. On the completion of the investigation, the final report was filed. The case was taken on file as C.C.No.100/2010 before the Chief Judicial Magistrate's Court, Kalpetta. As the petitioner was absconding, the case against him was split up and the trial against A1 and A3 was continued, which resulted in an acquittal. The injured in the case before the court below had clearly deposed that he was attacked by a group of persons and he could not identify any of them. All the occurrence witnesses were also examined. They also did not support the prosecution case and did not identify any of the accused. It

was on that ground, A1 and A3 were acquitted.

3. Presently, the case against the petitioner is pending as C.C.No.297/2011 before the Chief Judicial Magistrate's Court, Kalpetta, for the offences under Sections 341, 323 and 324 read with Section 34 IPC. Even if a trial is proceeded with, by taking note of the contends of Annexure-A2, this Court is satisfied that no purpose would be served and there is no possibility of a conviction in the matter. In such case, all further proceedings against the petitioner in C.C.No.297/2011 of the Chief Judicial Magistrate's Court, Kalpetta, based on Annexure-A1 Final Report, can be quashed.

In the result, this Crl.M.C is allowed and all further proceedings against the petitioner in C.C.No.297/2011 of the Chief Judicial Magistrate's Court, Kalpetta, based on Annexure-A1 Final Report, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE