

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

CrI.MC.No. 7029 of 2015 ()

CC.NO. 949/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,THAMARASSERY

PETITIONERS/27TH ACCUSED :

**VELAYUDHAN
S/O.AYYAPPAN, VALAPPOTH HOUSE,
NELLIKKAPARAMBU.**

BY ADV. SRI.E.NARAYANAN

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1. CERTIFIED COPY OF THE JUDGMENT IN CC.NO. 315/12 DATED 24.7.12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, THAMARASSERY.
- ANNEXURE A2. CERTIFIED COPY OF THE JUDGMENT DATED 16.9.14 IN CC NO.487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, THAMARASSERY.
- ANNEXURE A3. COPY OF THE DEPOSITION OF PW1 IN CC .NO.487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.
- ANNEXURE A4. COPY OF THE DEPOSITION OF PW2 IN CC.NO. 487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.
- ANNEXURE A5. COPY OF THE DEPOSITION OF PW3 IN CC.NO. 487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.
- ANNEXURE A6. COPY OF THE DEPOSITION OF PW4 IN CC.NO. 487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.
- ANNEXURE A7. COPY OF THE DEPOSITION OF PW5 IN CC.NO. 487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.
- ANNEXURE A8. COPY OF THE FIRST INFORMATION REPORT FILED BY THE SUB INSPECTOR OF POLICE, MUKKOM POLICE STATION, KOZHIKODE RURAL IN CC NO.487/12 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II.

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.7029 of 2015 C
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Dated this the 25th day of November, 2015

ORDER

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Petitioner was the 27th accused in CC No.315/2012 of the Judicial First Class Magistrate's Court-II, Thamarassery for the offences punishable under Sections 143 and 145 read with Section 149 IPC and Section 39 read with Section 121 of the Kerala Police Act. All the other accused, except A16, in the case were absconding. A16 pleaded guilty, whereby he was convicted and sentenced by the court below through Annexure-A1 judgment. The case against all the other accused was split up and refiled as CC No.487/2012. In CC No.487/2012 also, the petitioner has not faced the trial. All the other accused numbering 25 were acquitted by the court below through Annexure-A2 judgment.

2. The case against the petitioner is presently pending

as CC No.949/2014. According to the petitioner, no fruitful purpose would be served even if the trial is proceeded with.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. On going through Annexure-A2 and Annexure-A3 to A7 copies of depositions, it seems that no fruitful purpose would be served in continuing with the trial in CC No.949/2014, and there is no possibility of a conviction in the matter. Matters being so, there is no meaning in proceeding with the matter further and, therefore, all further proceedings in CC No.949/2014 of the Judicial First Class Magistrate's Court-II, Thamarassery can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in CC No.949/2014 of the Judicial First Class Magistrate's Court-II, Thamarassery are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/11

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PA to Judge