

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Crl.MC.No. 7115 of 2015

**CC 650/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 53/2010 OF PAYANGADI POLICE STATION, KANNUR**
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PETITIONER(S)/ACCUSED:

**HASBULLA KEERAN, AGED 37 YEARS,
S/O.KUHAMMED, KEERANTAKATHU HOUSE, MATTOOL AMSOM,
MATTOOL NORTH, KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7115 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A. CERTIFIED COPY OF THE FIR AND CHARGE SHEET IN CC 650/13 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR (CRIME NO. 53/2010 OF PAYANGADI POLICE STATION).

ANNEXURE II. COPY OF THE JUDGMENT IN CC 372/10 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.

ANNEXURE III. COPY OF THE DEPOSITION OF PW1 IN CC 372/10 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.

ANNEXURE IV. COPY OF THE DEPOSITION OF PW2 IN CC 372/10 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 7115 of 2015

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Dated this the 8th day of December, 2015

ORDER

The petitioner is the accused in C.C.No.650/2013 of the Judicial First Class Magistrate's Court, Payyannur, which has arisen from Crime No.53/2010 of the Pazhayangadi Police Station, Kannur District. Originally, the petitioner was the 2nd accused in the crime. As he was absconding, the final report was filed against the other accused, which was taken on file as C.C.No.372/2010 before the Judicial First Class Magistrate's Court, Payyannur.

2. Through Annexure-II judgment, all the other accused were acquitted. On a perusal of Annexure-II judgment and copies of the depositions of the witnesses produced, it seems that the matter has been settled

between the parties and therefore, all the occurrence witnesses including the injured PW1 had turned hostile to the prosecution and did not identify the accused. The case against the petitioner was split up and re-filed, which is presently pending as C.C.No.650/2013.

3. Even if the trial of the case is proceeded with, no purpose would be served as there is no possibility of a conviction in the matter. Matters being so, all further proceedings in C.C.No.650/2013 of the Judicial First Class Magistrate's Court, Payyannur, based on Annexure-I Final Report as against the petitioner, can be quashed.

In the result, this Crl.M.C is allowed and all further proceedings in C.C.No.650/2013 of the Judicial First Class Magistrate's Court, Payyannur, based on Annexure-I Final Report as against the petitioner, are hereby quashed.

Sd/-

B.KEMAL PASHA, JUDGE