

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Crl.MC.No. 7449 of 2015

**SC 601/2015 OF SESSIONS COURT, THALASSERY
CRIME NO. 77/1994 OF TALIPARAMBA POLICE STATION, KANNUR**

PETITIONER/ACCUSED:

**KOTHILA GOPI, AGED 42 YEARS,
S/O KUNHAMBU, KOTHILA HOUSE, KEEZHATOOR,
KUTTIKKOL P.O., TALIPARAMBA VIA, KANNUR DISTRICT.**

BY ADV. SRI.P.NARAYANAN

RESPONDENTS/COMPLAINANT:

**STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.77/1994 OF
TALIPARAMBA POLICE STATION.**

**ANNEXURE 2: CERTIFIED COPY OF THE JUDGMENT IN S.C.95/1994 OF SESSIONS
COURT THALASSERY.**

**ANNEXURE 3: CERTIFIED COPY OF DEPOSITION OF PW1 IN S.C.95/1994 OF
SESSIONS COURT THALASSERY.**

**ANNEXURE 4: CERTIFIED COPY OF DEPOSITION OF PW2 IN S.C.95/1994 OS
SESSIONS COURT, THALASSERY.**

**ANNEXURE 5: CERTIFIED COPY OF DEPOSITION OF PW3 IN S.C.95/1994 OF
SESSIONS COURT, THALASSERY.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.7449 of 2015 C
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Dated this the 7th day of December, 2015

O R D E R

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Petitioner is the 3rd accused in Crime No.77/1994 of Taliparamba Police Station. The investigation in the case was over and Annexure-1 final report was filed for the offences under Sections 143, 147, 506(ii) and 427 read with Section 149 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. A1, A2, A4, A5 and A6 in the case faced the trial as SC No.95/1994 before the court below and the court below has passed Annexure-2 order of acquittal under Section 232 Cr.P.C. The defacto complainant is no more. The other occurrence witnesses, who were examined before the court below, had totally turned hostile to the prosecution and did not support the prosecution case. Copies of their depositions have also been produced.

2. On going through Annexure-2 order of acquittal and the copies of the depositions of the occurrence witnesses in the case, this Court is satisfied that no useful purpose would be served in proceeding with the matter further. Presently, the case against the petitioner has been refiled as SC No.601/2015 before the Sessions Court, Thalassery. Matters being so, the continuance of the case will, no doubt, be a waste of time and, therefore, the proceedings in the case can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in SC No.601/2015 of the Sessions Court, Thalassery, which has arisen from Crime No.77/1994 of Taliparamba Police Station, as against the petitioner herein, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/12

// True Copy //

PA to Judge