

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 6401 of 2013 ()

AGAINST CP 180/2008 of SESSIONS COURT, THIRUVANANTHAPURAM
AGAINST LP 9/1998 of J.M.F.C.-II, THIRUVANANTHAPURAM
CRIME NO. 108/1992 OF POONTHURA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/3RD ACCUSED:

NAZIMUDHEEN, AGED 45 YEARS,
S/O. SHAHUL HAMEED, RESIDING AT T.C. 46/1226
PUTHUKKAD PUTHE VEEDU, MATTATHARA, AMBALATHARA
THIRUVANANTHAPURAM.

BY ADVS.SMT.MAJIDA.S
SRI.REJI.A.RASHEED
SRI.AJIKHAN.M

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. INSPECTOR OF POLICE
POONTHURA POLICE STATION, THIRUVANANTHAPURAM - 695 001.

Addl.3. SAWITHRI
D/O KAUSALYA, TC 45/1142, URALIPARAMBU VEEDU
AMBALATHARA THIRUVANANTHAPURAM-695001

(ADDL.R3 IS IMPEADED AS PER ORDER DTD:30.06.2014 IN CRL.MA
3119/2014)

R3 BY ADV. SRI.P.G.PRAMOD
R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
03-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6401 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE FINAL REPORT IN CP. NO. 180/2008 ON THE FILE OF THE SESSIONS COURT, THIRUVANANTHAPURAM IN CRIME NO. 108/92 OF POONTHURA POLICE STATION WHICH IS PENIDNG AS LP. NO. 9/98 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.6401 of 2013**  
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Dated this the 3rd March 2015

ORDER

The petitioner herein is the original 3rd accused in Crime No.108 of 1992 of the Poonthura Police Station of Thiruvananthapuram District. Fourteen out of the twenty four accused in the crime faced trial in the Court of Session in S.C No. 273 of 1997. The learned Vth Additional Sessions Judge, Thiruvananthapuram acquitted those 14 accused in the absence of any evidence. S.C. No.533 of 1997 was also tried along with S.C. 273 of 1997. The sole accused in S.C 533 of 1997 also obtained acquittal under the said judgment. The case against the petitioner herein was split up in the committal court itself, and after necessary steps, it was transferred to the register of long pending cases as L.P. No.9 of 1998. He now seeks orders quashing the prosecution as against him on the ground that the very substratum of the prosecution case stands totally lost by the acquittal of the others.

2. On hearing both sides, I find that continuance of prosecution against the petitioner herein in the present

circumstances will not serve any purpose. The State also concedes that there is no scope to proceed against the remaining accused. I am well satisfied that nobody will support the prosecution, if the case against the remaining accused goes to trial. The material witnesses turned hostile during trial in S.C No.273 of 1997. It appears that nobody is interested in the prosecution. The prosecution cannot in any manner improve the case as against the petitioner herein, if it goes to trial. So it is just and appropriate that the proceeding against him also be closed.

In the result, this petition is allowed. The prosecution against the petitioner herein in Crime No.108 of 1992 of the Poonthura Police Station, which now stands transferred to the register of long pending cases as L.P. No.9 of 1998 before the Judicial First Class Magistrate Court-II, Thiruvananthapuram, will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/
P.S to Judge