

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1, ALAPPUZHA.

Present:- **Smt. Shana Beegam, Judicial First Class Magistrate.**

Dated this, the 3rd day of November, 2025.

C.M.P 4095/225 in CC 3286/2020

Petitioner/Complainant : State of Kerala represented by
Asst. Public Prosecutor,
Judicial First Class Magistrate Court – I,
Alappuzha.

Accused : 1. Shanavas, S/o. Ahammedkunju,
Chavadiparambil house, Chathanadu ward,
Mullackal Village, Alappuzha Municipality.
2. Vipinraj, S/o. Bhuvanendran, Tharayilveli
veedu, Avalookunnu P.O., Aryad Panchayath.

(By Adv. G. Priyadarsan Thampi)

PROCEEDINGS : U/s. 321 CR.P.C. (U/s. 360 BNSS)

This case coming on this day for hearing, the court passed the following:-

ORDER

This petition is filed by the learned Asst. Public Prosecutor u/s. 360 BNSS for withdrawing from the prosecution of the accused persons in the above case.

2. Heard both sides. The application and the relevant records produced in this case from the side of the prosecution. Trial in this case had already been started and PW1, the injured, a Police Officer is also examined. PW1 identified the accused persons as well in the box.

3. Now the case posted for cross examination of PW1. At this juncture,

learned A.P.P. filed this petition. The prosecution allegation herein is that the accused persons obstructed the official duty of police men. It is settled that no member of public can taken law into their own hands and obstruct the police men from performing their duties. If such instances recur, there will be chaos in the society. Therefore, continuation of prosecution of accused persons advances cause of public justice & granting consent would stifle & thwart the process of law. [Binoy V. State of Kerala 2024(5) KHC 337]. Here also the situation is similar.

4. It is also settled that it is not for the learned A,P,P to judge the outcome of the case, unless it is evident from the materials on record that it is so impossible to result in the conviction of the accused [Surjith and others V. State of Kerala, 2022 KHC Online 3405]

5. Going through the materials on record, I am of the firm view that withdrawal from prosecution herein would not come any public interest and rather it would go against the public interest. Hence, the petition dismissed.

Pronounced in the open court on this the 3rd day of November, 2025.

Sd/-

Judicial First Class Magistrate-I,

Alappuzha.

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Judicial First Class Magistrate-I,

Alappuzha.