

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 1251 of 2015

**ORDER DATED 23-07-2012 IN SC 514/2008 OF SESSIONS COURT, KOZHIKODE
LP 2/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
CRIME NO. 165/2006 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE**
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PETITIONER(S)/ACCUSED NOS. 6 & 7:

- 1. SAVAD K.P., AGED 30 YEARS,
S/O.HAMZA, RESIDING AT KIZHAKKE PURAYIL HOUSE, IRIKKUR,
KANNUR DISTRICT.**
- 2. SAJEER T.P.,
S/O.SOOPI, RESIDING AT T.P.HOUSE, P.O.IRIKKUR,
KANNUR DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATION HOUSE OFFICER, MEDICAL COLLEGE POLICE STATION,
CALICUT, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: THE TRUE COPY OF THE FIR IN CRIME NO. 165/2006 ON THE FILE OF MEDICAL COLLEGE POLICE STATION, CALICUT.

ANNEXURE A2: THE TRUE COPY OF THE CHARGE IN CRIME NO. 165/2006 ON THE FILE OF MEDICAL COLLEGE POLICE STATION, CALICUT.

ANNEXURE A3: THE TRUE COPY OF THE MAHAZAR IN CRIME NO. 165/2006 U/S. 120B, 324, 308, R/W 34 IPC

ANNEXURE A4: THE TRUE COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO. 165/2006U/S. 120B, 324, 308, R/W 34 IPC OF MEDICAL COLLEGE POLICE STATION, CALICUT.

ANNEXURE A5: THE TRUE COPY OF THE SEIZURE MAHAZAR.

ANNEXURE A6: THE TRUE COPY OF THE PETITION FILED BEFORE THE COURT BELOW FOR THE ADVANCE HEARING THE CASE ON THE INSTRUCTION TO WITHDRAW THE CASE.

ANNEXURE A7: THE TRUE COPY OF THE PETITION FILED TO WITHDRAW THE CASE U/S. 321 CR.P.C.

ANNEXURE A8: THE TRUE COPY OF THE ORDER DATED 23/07/2012 IN CMP NO.289/2012.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.1251 Of 2015

Dated this the 19th day of August, 2015.

ORDER

The petitioners herein are the original accused Nos.6 & 7 in the impugned Anx-A2 final report/charge sheet filed in Crime No.165/2006 of Medical College Police Station, Calicut. There were originally 8 accused in the above said Crime. The respondent-State has taken steps to withdraw the prosecution against 6 of the accused which resulted in their acquittal as per Anx-A8 judgment rendered on 23.7.2012 in C.M.P.No.289/2012 by the I Additional Assistant Sessions Judge, Kozhikode. The petitioner submits that the same benefit may be granted to him. The further continuation of the proceedings would rather be unjust and would amount to vexatious proceedings against the petitioners. So, in the light of Anx-A8 judgment, the prayer of the petitioner for quashment of the impugned criminal proceedings could be considered.

2. Since the court below has allowed the petition filed by the prosecutor to withdraw the case as evident from Anx-A8 order, it can be seen that the substratum of prosecution case has been shattered by

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the acquittal of the co-accused. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioners. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime No.165/2006 on the file of the Medical College Police Station, which is now pending against the petitioners as L.P.No.2/2011 on the file of the Judicial First Class Magistrate Court-I, Kunnamangalam, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions, this Crl.m.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-