

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 1653 of 2015 ()

**CC 1195/2014 NOW LPC 27 OF 2014 OF ADDL.CHIEF JUDICIAL MAGISTRATE,
THALASSERY
CRIME NO. 169/2012 OF KATHIRUR POLICE STATION, KANNUR**

PETITIONERS/ACCUSED NO.1 AND 2 :

- 1. RAFEEQUE T., AGED 37 YEARS,
S/O. SAIDALI, THANIKKAMPURATH HOUSE,
KUTHUPARAMBA AMSOM, PAZHAYANIRATH.**
- 2. RIYAS K.P., AGED 28 YEARS,
S/O. MUHAMOOD, THAZHE KADAVATH HOUSE,
ERUVATTY AMSOM AND UMMENCHIRA.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.N. SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 1653 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- A1: TRUE COPY FO THE JUDGMENT IN CC NO. 731/12 DT. 26.12.13 OF THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, THALASSERY.**
- A2: TRUE COPY OF FINAL REPORT DT. 24.8.14 IN CC NO. 1195/14 OF THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, THALASSERY.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

=====

Crl.M.C No.1653 of 2015

=====

Dated this the 16th day of July, 2015

O R D E R

The petitioners herein are original accused Nos. 5 and 6 in Crime No. 169 of 2012 of Kadirur Police Station, for offences registered under Secs.143, 147, 148, 447, 427, 506(ii) r/w 149 of IPC. Original accused Nos. 1 to 4 faced trial. The case against the petitioners herein has subsequently been re-numbered as C.C No.1195 of 2014 (LPC No.27 of 2014) on the file of Additional Chief Judicial Magistrate, Thalassery. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.1 judgment that there is no evidence to connect the said co-accused persons with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioners have filed the instant criminal case with the prayer for quashment of the impugned criminal proceedings pending against them on the ground that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused persons as per Anx.1 judgment.

2. Heard Sri.V.N Ramesan Nambisan, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.1 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons with the impugned charges and acquitted the said co-accused persons. From a mere reading of Anx.1 judgment it is crystal clear that the substratum of the prosecution has been shattered by the acquittal of the said co-accused persons. 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.2 final report/charge sheet filed in the impugned Crime No. 169 of 2012 of Kadirur Police Station, which has led to the pendency of C.C No.1195 of 2014 (LPC No.27 of 2014) on the file of Additional Chief Judicial Magistrate, Thalassery, and all further proceedings arising therefrom pending against the

petitioners herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE