

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 1746 of 2015 ()

**IN CC 410/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MATTANCHERY
CRIME NO. 43/2005 OF FORT KOCHI POLICE STATION , ERNAKULAM**

PETITIONER(S)/4TH ACCUSED:

**AJEER , AGED 41 YEARS,
S/O.BAVA, RESIDING AT HOUSE NO. V/332, PUTHIYA ROAD
MATTANCHERY VILLAGE, KOCHI TALUK, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S)/STATE:

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
FORT KOCHI POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1 :** THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 43/2005 OF FORT KOCHI POLICE STATION.
- ANNEXURE A2 :** THE TRUE CERTIFIED COPY OF THE JUDGMENT DATED 24/04/2008 IN CC NO. 393/2005 ON THE FILE OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.
- ANNEXURE A3 :** THE TRUE CERTIFIED COPY OF JUDGMENT DATED 30/09/2010 IN CC NO. 1020/2008 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.
- ANNEXURE A4 :** THE TRUE CERTIFIED COPY OF THE DEPOSITION OF PW1 MUHAMMED ASLAM DATED 9.1.2008 IN C.C.NO.393/2005 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.
- ANNEXURE A5 :** THE TRUE CERTIFIED COPY OF THE DEPOSITION OF PW2 STEEPHEN DATED 28.1.2008 IN C.C.NO.393/2005 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.
- ANNEXURE A6 :** THE TRUE CERTIFIED COPY OF THE DEPOSITION OF PW3 AJITH KUMAR DATED 18.2.2008 IN C.C.NO.393/2005 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.
- ANNEXURE A7 :** THE TRUE CERTIFIED COPY OF THE DEPOSITION OF PW4 C.K.UTHAMAN DATED 18.3.2008 IN C.C.NO.393/2005 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KOCHI.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.1746 of 2015

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Dated this the 3rd day of August, 2015

ORDER

The petitioner herein is original accused No.4 in Crime No.43/2005 of Fort Kochi Police Station, for offences registered under Secs.143, 147, 341, 323, 427 read with Section 149 of the Indian Penal Code. Original accused Nos.3, 5 and 6 in the above crime faced trial and acquitted by Annexure A2 judgment. Original accused No.1 in the above crime faced trial and acquitted by Annexure A3 judgment. The case against the petitioner herein has subsequently been re-numbered as C.C.No.410/2014 on the file of the Judicial First Class Magistrate's Court, Mattanchery. After meticulous appraisal of the evidence on record, the trial court concluded in Annexures A2 and A3 judgments 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 petitioner has filed the instant criminal miscellaneous case with the prayer for quashment of the impugned criminal proceedings pending against him on the ground that the substratum of the prosecution case has been

shattered by the acquittal of the said co-accused person as per Annexures A2 and A3 judgments.

2. Heard Sri.T.Madhu, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Annexures A2 and A3 judgments, 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 Annexures A2 and A3 judgments 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 petitioner. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary.

4. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A1 final report/charge sheet filed in Crime No. 43/2005 of Fort Kochi Police Station, which has led to the pendency of C.C.No.410/2014 on the file of the Judicial

First Class Magistrate's court, Mattanchery and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

Sd/-
ALEXANDER THOMAS
JUDGE

VS