

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No. 2255 of 2015

**CC 893/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-V, KOZHIKODE
CRIME NO. 543/2008 OF FEROKE POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED NO3:

**AHAMED SAJU P.V., AGED 26 YEARS,
S/O.P.V.MOHAMMADALI, IRUPPEN THODIYIL HOUSE,
ANTHIYOORKUNNU. P.O, KOTTAPURAM, MALAPPURAM DISTRICT,
PIN 673637.**

**BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.T.B.GAFOOR**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682031.**

**2. THE SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, KOZHIKODE,
MALAPPURAM DISTRICT, PIN 673637.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1:TRUE COPY OF THE CERTIFICATE OF COMPLETION ISSUED FROM
GREEN RIVER COMMUNITY COLLEGE, WASHINGTON, DATED
31.07.2008**

**ANNEXURE A2:CERTIFIED COPY OF THE FIR IN CRIME NO.543/2008 DATED 08.11.2008
OF THE FEROKE POLICE STATION, KOZHIKODE DISTRICT**

**ANNEXURE A3:CERTIFIED COPY OF THE FINAL REPORT IN CC.NO.37/2009(RE FILED
AS CC NO.893/2014) OF JUDICIAL FIRST CLASS MAGISTRATE COURT
V, KOZHIKODE**

**ANNEXURE A4:CERTIFIED COPY OF THE JUDGMENT IN CC.NO.37/2009 DATED
28.05.2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT V,
KOZHIKODE**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.
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Crl.M.C.No. 2255 of 2015
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Dated this the 5th day of June, 2015
O R D E R

The petitioner herein is original accused No.3 in Crime No. 543/2015 of Feroke Police Station, for offences registered under Secs.341, 323, 324 read with Sec.149 of the I.P.C.. Original accused Nos.1, 2 and 4 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No. 893/2014 on the file of the Judicial First Class Magistrate's Court-V, Kozhikode. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-4 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 petitioner has filed the instant Crl.M.C. 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 persons as per Anx.A-4 judgment.

2. Heard Sri.K.J.Mohammed Anzar, learned counsel for the petitioner and the learned Public Prosecutor appearing for the

respondent State of Kerala.

3. On a perusal of Anx.A-4 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons (A-1, A-2 and A-4) with the impugned charges and acquitted the said co-accused persons. From a mere reading of Anx.A-4 judgment it is crystal clear that the substratum of the prosecution case 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. A-3 final report/charge sheet filed in the impugned Anx.A-2 FIR in Crime No. 543/2008 of Feroke Police Station, which has led to the pendency of C.C.No.893/2014 on the file of the Judicial First Class Magistrate's Court-V, Kozhikode, 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

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///True copy///

P.S. to Judge

