IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 2808 of 2015

CC 124/1991 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 48/1991 OF PALAKKAD TOWN SOUTH POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

M M RADHAKRISHNAN, AGED 50 YEARS
S/O.MARIYAPPAN, MALAYANPURATHU VEEDU, OLASSERRY,
KODUMBU, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S)/STATE:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

Crl.MC.No. 2808 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A : CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.48/91 OF TOWN SOUTH POLICE STATION , PALAKKAD

ANNEXURE B ; CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.48/91 SUBMITTED BEFORE THE CHIEF JUDICIAL MAGISTRATE'S COURT, PALAKKAD BY THE SI OF POLICE, TOWN SOUTH POLICE STATION, PALAKKAD.

ANNEXURE C : CERTIFIED COPY OF THE JUDGMENT DATED 31-3-1993 IN C.C.NO.124/1991 PASSED BY THE CHIEF JUDICIAL MAGISTRATE'S COURT, PALAKKAD.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.2808 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The petitioner herein is original accused No.3 in Crime No. 48 of 1991 of the Town South Police Station, Palakkad for offences registered under Secs.143, 147, 148 and 324 of IPC. Original accused Nos.1,2 and 4 to 6 faced trial. The case against the petitioner herein has subsequently been re-numbered as LPC No.14/1993 on the Chief Judicial Magistrate's, Palakkad. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. C 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 criminal 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 persons as per Anx. C judgment.

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

3. On a perusal of Anx. C 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.C 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 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. C final report/charge sheet filed in the impugned Crime No. 48 of 1991 of Town South Police Station, Palakkad which has led to the pendency of C.C.No. 14/1993 on the file of the Chief Judicial Magistrate's Court, Palakkad 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/-

sab ALEXANDER THOMAS, JUDGE