

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

CrI.MC.No. 2818 of 2015

**CC 903/2001 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 458/2001 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONER/ACCUSED:

**C.M. MAHIN, AGED 43 YEARS,
S/O. MUHAMMEDKUNHI, CHEKKANANGAD,
CHEMNAD VILLAGE & POST, KASARAGOD DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERANAKULAM.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 2818 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1- CERTIFIED COPY OF FINAL REPORT IN CR.458/2001 OF KASARAGOD
POLICE STATION FILED BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT I, KASARAGOD.**

**ANNEXURE A2- TRUE COPY OF JUDGMENT IN C.C. 903/2001 OF JFMC-I, KASARAGOD
DATED 30-3-2004.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2818 of 2015

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Dated this the 9th day of June, 2015

O R D E R

The petitioner herein is the 2nd accused in the impugned Anx. A-1 final report/charge sheet filed in Crime No.458/2001 of Kasargod Police Station, registered for offences under Sec.292 of the I.P.C. and Sec.4 read with 6 of the Indecent Representation of Women (Prohibition) Act, 1986. Original accused No.1 faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.C.No.27/2005 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-2 judgment that there is no evidence to connect the said co-accused person (A-1) 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 as per Anx. A-2 judgment.

2. Heard Sri.Jiji.S, learned counsel for the petitioner and the

learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-2 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused person with the impugned charges and acquitted the said co-accused. From a mere reading of Anx.A-2 judgment it is crystal clear that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioner herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. A-1 final report/charge sheet filed in Crime No.458/2001 of Kasargod Police Station, which has led to the institution of L.P.C.No.27/2005 on the file of the Judicial First Class Magistrate's Court-I, Kasargod, 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

