

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Crl.MC.No. 2935 of 2015 ()

CRIME NO. 51/2010 OF CHANDERA POLICE STATION, KASARAGOD DISTRICT

PETITIONER/7TH ACCUSED :

**O.T.NAJEEB
AGED 29 YEARS, S/O.KUNHABDULLA,
RESIDING AT O.T.HOUSE, THAIKKEEL
SOUTH TRIKARIPUR, HOSDURG TALUK,
KASARAGOD DISTRICT.**

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

RESPONDENT/STATE :

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
CHANDERA POLIC STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. T. ASAF ALI

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 2935 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A1: THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
 NO.51/2010 OF CHANDERA POLICE STATION.**

**ANNEXURE-A2: THE TRUE CERTIFIED COPY OF THE JUDGMENT DATED
 28.10.2011 IN S.C.NO.31/2011 ON THE FILES OF THE LEARNED
 ADDITIONAL DISTRICT AND SESSION'S COURT (ADHOC-III)
 KASARAGOD.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.2935 of 2015

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Dated this the 29th day of May, 2015

O R D E R

The petitioner herein is original accused No.7 in Crime No. 51/2010 of Chandera Police Station, for offences registered under Secs.143, 147,148,452,436 read with Section 149 of IPC. The police after investigation submitted the impugned Annexrue A1 final report/charge sheet in the said crime which led to the pendency of S.C.No.31/2011 on the file of the Additional Sessions Court (Adhoc)-III, Kasaragod. Original accused Nos. 1 to 6 faced trial. The case against the petitioner herein has subsequently been re-numbered as LPC No.100/2011 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. A2 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 have 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.A2 judgment.

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 Anx. A2 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.A2 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.

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. 51/2010 of Chandera Police Station, which has led to the

pendency of LPC No. 100/2011 on the file of the Judicial First Class Magistrate's Court No-I, Hosdurg 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

MJL

