

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. 3026 of 2015

C.C.No.176/2011 OF JUDICIAL FIRST CLASS MAGISTRATE OF COURT - I, CHERTHALA

CRIME NO. 457/2006 OF CHERTHALA POLICE STATION , ALAPPUZHA

PETITIONER/ACCUSED :-

**DILEEPKUMAR,
S/O.SIVANKUTTY,
VATTAPPARAMBU,
WARD NO.XXI,
CHERTHALA MUNICIPALITY.**

BY ADV. SRI.B.PRAMOD

RESPONDENT/RESPONDENT :-

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

R BY SMT.S.HYMA, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-05-15, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3026 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS :

**ANNEXURE-I :- CERTIFIED COPY OF THE CHARGE-SHEET IN CRIME NO.457/06 OF
CHERTHALA POLICE STATION.**

**ANNEXURE-II :- CERTIFIED COPY OF THE JUDGEMENT DATED 26.02.2011 IN C.C.
NO.176/2011 ON THE FILE OF THE J.F.C.M. COURT-I, CHERTHALA.**

RESPONDENT(S)' EXHIBITS : NIL

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//TRUE COPY//

P.A. TO JUDGE

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3026 of 2015

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Dated this the 29th day of May, 2015

O R D E R

The petitioner herein (6th accused) and five others were accused in Crime No.457/2006 of Cherthala Police Station alleging offences under Sections 143, 147, 148, 323, 324, and 294(b) r/w Section 149 of IPC. The police after investigation submitted the impugned Annexure-I final report/charge sheet in the above said crime which has led to the institution of C.C.No.35/2007 on the file of Judicial First Class Magistrate Court-I, Cherthala. Original accused Nos.1 to 5 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.176 of 2011 on the file of the Judicial First Class Magistrate's Court-I, Cherthala. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. II 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.II judgment.

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

3. On a perusal of Anx.II 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.II 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.I final report/charge sheet filed in Crime No.457/2006 of Cherthala Police Station, which has led to the pendency of C.C.No. 176/2011 on the file of the Judicial First Class Magistrate Court-I, Cherthala 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