

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3279 of 2015 ()

**CC.NO. 658/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR
CRIME NO. 54/2010 OF MANGALAMDAM POLICE STATION, PALAKKAD**

PETITIONERS/ACCUSED NO.1 AND 2 :

- 1. RADHAKRISHNAN, AGED 39 YEARS
S/O. VELAYUDHAN, CHEDAYANKULAM, PALLAVUR
KOLLENGODE, PALAKKAD.**
- 2. DASAN, AGED 41 YEARS
S/O. KANDAR, VIRIPPODE VEEDU, PALLAVUR
KOLLENGODE, PALAKKAD**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT & STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGHCOURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3279 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A TRUE COPY OF THE FINAL REPORT IN CRIME NO.54/2010 OF
MANGALAMDAM POLICE STATION, PALAKKAD DISTRICT
DATED 7/3/2010.**

**ANNEXURE B TRUE COPY OF THE JUDGMENT IN C.C.NO.339/2010 OF THE
COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR
DATED 27/2/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3279 of 2015

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Dated this the 11th day of June, 2015

O R D E R

The petitioners herein are accused in the impugned Anx.A final report/charge sheet filed in Crime No.54/2010 of Mangalamdam Police Station, for offences registered under Secs.143, 148, 324, 353, 332, 294(b) read with 149 of I.P.C., which led to the pendency of C.C.No.339/2010 on the file of the Judicial First Class Magistrate's Court, Alathur. Since the petitioners herein were not available for trial, the case against them has subsequently been re-numbered as Calendar Case, C.C.No.658/2015 on the file of the Judicial First Class Magistrate's Court, Alathur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.B 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 persons. The petitioners have filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal proceedings pending against

them 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.B judgment.

2. Heard Sri.V.A.Johnson Varikkappallil, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.B 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. From a mere reading of Anx.B 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 petitioners herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A final report/charge sheet filed in Crime No.54/2010 of Mangalamdam Police Station, which has led to the institution of Calendar Case, C.C.No.658/2015 on the file of the Judicial First Class Magistrate's Court, Alathur, and all further proceedings arising therefrom

pending against the petitioners herein stand quashed.

With these observations and directions, the Criminal
Miscellaneous Case stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge