

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No.3331 of 2015

**SC NO.917/2014 of ADDITIONAL SESSIONS COURT - I, KASARAGOD.
CRIME NO.115/2009 OF HOSDURG POLICE STATION,KASARGOD.**

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PETITIONER/ACCUSED:

**NABEEL @ ABID NABEEL,AGED 29 YEARS,
S/O.MOIDU @ AJMEER MOIDU,MABROOK HOUSE,
AJANOR VILLAGE,KASARAGOD DISTRICT.**

BY ADV.SRI.K.P.HARISH

RESPONDENT/STATE AND COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURE:

**ANNEXURE A1:THE TRUE COPY OF THE FIR IN CRIME NO.115/2009 OF
HOSDURG POLICE STATION.**

**ANNEXURE A2:A TRUE COPY OF THE FINAL REPORT DATED 30.3.2010 IN CRIME
NO.115/2009 AS NUMBERED AS C.P.NO.73/2010 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-1,HOSDURG.**

**ANNEXURE A3:A TRUE COPY OF THE DEPOSITION DATED 7.12.2012 OF PW1 THE
INJURED DE-FACTO COMPLAINANT IN SC NO.634/2010 OF THE
ADDITIONAL SESSIONS JUDGE-1,KASARAGOD.**

**ANNEXURE A4:TRUE COPIES OF THE DEPOSITIONS DATED 6.12.2012 OF PWS 2
TO 4 THE EYE WITNESSES IN SC NO.634/2010 OF THE
ADDITIONAL SESSIONS JUDGE-1,KASARAGOD.**

**ANNEXURE A5:THE TRUE COPY OF THE JUDGMENT DATED 14.12.2012 IN
S.C 634/2010 OF THE ADDITIONAL SESSIONS JUDGE (ADHOC)-I,
KASARAGOD.**

**ANNEXURE A6:THE TRUE COPY OF THE DOCKET SHEET PROCEEDINGS IN S.C
NO.917/2014.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3331 of 2015

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Dated this the 5th day of June, 2015

O R D E R

The petitioner herein is original accused No.2 in Crime No. 115/2009 of Hosdurg Police Station, for offences registered under Secs.143, 147, 148, 447, 324, 307 read with Sec.149 of the I.P.C. The other accused persons, except the petitioner herein faced trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No.917/2014 on the file of the Court of Additional Sessions Judge-I, Kasargod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-5 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 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 persons as per Anx.A-5 judgment.

2. Heard Sri.K.P.Harish, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent

State of Kerala.

3. On a perusal of Anx.A-5 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.A-5 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 herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. A-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No. 115/2009 of Hosdurg Police Station, which has led to the pendency of S.C.No.917/2014 on the file of the Court of Additional Sessions Judge-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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.3331/15

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