

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 3352 of 2015 ()

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(L.P.NO.11/2001 IN CC.NO. 674/2000 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-1, ATTINGAL , THIRUVANANTHAPURAM)
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PETITIONER/ACCUSED:

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SRI. ANILKUMAR, AGED 44 YEARS,
S/O.SUJATHAN, LILLY BHAVAN,
KATTAVAYIL, NEAR VELLORKONAM TEMPLE,
NEAR ATTINGAL I.T.I, CHITTATTINKARA DESOM,
ATTINGAL VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.R.B.RAJESH

RESPONDENT/STATE:

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THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**

BY PUBLIC PROSECUTOR SMT. S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3352 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.312/1996 OF
ATTINGAL POLICE STATION (NOW PENDING AS L.P NO.11/2001 OF
J.F.M.C - I, ATTINGAL).**

**ANNEX-II: CERTIFIED COPY OF THE JUDGEMENT IN C.C. NO.715/97 DATED
29/8/2000 OF J.F.M.C - 1, ATTINGAL.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3352 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the 5th accused in Crime No.312/1996 of Attingal Police Station, for offences registered under Secs.419, 420, 454, 380, 461 read with Sec.34 of the IPC. Original accused Nos. 1 to 4 faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.No.11/2001 in C.C.No. 674/2000 on the file of the Judicial First Class Magistrate's Court-I, Attingal. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.2 judgment that there is no evidence to connect the said co-accused persons (A-1 to A-4) with the impugned criminal charges and had accordingly acquitted the said co-accused persons. 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. A2 judgment.

2. Heard Sri.R.B.Rajesh, learned counsel for the petitioner

and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.2 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.2 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 petitioner herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.1 final report/charge sheet filed in Crime No.312/1996 of Attingal Police Station, which has led to the pendency of L.P.No.11/2001 on the file of the Judicial First Class Magistrate's Court-I, Attingal, 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

