

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. 3375 of 2015

**SC 211/2015 OF 4TH ADDITIONAL SESSIONS COURT, KOLLAM
CRIME NO. 143/2005 OF ANCHAL POLICE STATION , KOLLAM**

PETITIONER/6TH ACCUSED:

**NIHAS, AGED 29 YEARS,
S/O.JALALUDEEN, NIHAS MANZIL, NEAR ASWATHI MILL,
MOONGODU MURI, ALYAMAN.P.O, KOLLAM DISTRICT-691306.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

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

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1 TRUE COPY OF THE FINAL REPORT IN CRIME NO.143/05 OF THE
ANCHAL POLICE STATION,KOLLAM**

**ANNEXURE-A2 TRUE COPY OF THE DEPOSITION OF PW1 IN S.C.41/2009 IN
S.C.41/2009 ON THE FILES OF 4TH ADDITIONAL SESSIONS
COURT,KOLLAM**

**ANNEXURE-A3 TRUE COPY OF THE JUDGMENT DTD.27.01.2015 IN S.C.41/2009 ON
THE FILES OF THE 4TH ADDITIONAL SESSIONS COURT,KOLLAM.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3375 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the 6th accused in the impugned Anx. A-1 final report/charge sheet in Crime No.143/2005 of Anchal Police Station, registered for offences under Secs.143, 147, 148, 149, 323, 324, 326, 308 and 153(A) of the I.P.C. Original accused Nos. 1, 2, 3, 5, 7 and 8 faced trial. A-4 died during the course of the trial. The petitioner herein (A-6) did not participate in the trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No.211/2015 on the file of the 4th Additional Sessions Court, Kollam. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-3 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 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-3 judgment.

2. Heard Sri.Bechu Kurian Thomas, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-3 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. A-3 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. A-1 final report/charge sheet in Crime No.143/2005 of Anchal Police Station, which has led to the institution of Sessions Case, S.C.No.211/2015 on the file of the 4th Additional Sessions Court, Kollam, 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

