

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. 3490 of 2015

**C.C.NO.363 OF 2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III,
THRISSUR**

PETITIONER(S)/ACCUSED NO.14 :

**UNNI @ JAYAN K.K, AGED 39 YEARS,
S/O.LATE KRISHNANKUTTY, KARIYATTUPARAMBIL HOUSE,
MANAMANGALAM VILLAGE, THRISSUR TALUK, PIN-680 014.**

BY ADV. SMT.P.K.PRIYA

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA REPRESENTED BY
WILD LIFE WARDEN, PEECHI.**

BY SPL.PUBLIC PROSECUTOR SRI.MADHAVAN KUTTY

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** THE TRUE COPY OF THE FINAL REPORT IN OFFENCE NO.24/99 OF MANNAMANGALAM FOREST STATION.
- ANNEXURE A2:** THE CERTIFIED COPY OF THE JUDGMENT IN C.C NO.445/2004 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, DATED 31.07.2010.
- ANNEXURE A3:** THE CERTIFIED COPY OF THE ORDER IN CRL M.C.NO.6227/2014 ON THE FILES OF THE HON'BLE HIGH COURT OF KERALA.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 11th day of June, 2015.

ORDER

The petitioner herein is original accused No.14 in C.C.No.445/2004 on the file of the Judicial First Class Magistrate Court-III, Thrissur for offences registered under Secs.27(1)(e)(III), 27(1)(e)(IV) and Sec.27 & 29 r/w Sec. 51 of Wild Life Protection Act. Original accused Nos. A2 to A6, A8 to A13 and A15 and A16 faced trial. Since the petitioner was absconding the case against the petitioner herein has subsequently been re-numbered as C.C.No.363/2010 on the file of the Judicial First Class Magistrate Court-III, Thrissur. After meticulous appraisal of the evidence on record, the trial court concluded in Annexure-A2 judgment that the prosecution has failed to prove the charge levelled against the accused beyond reasonable doubt and had accordingly acquitted the said co-accused. The 1st accused also approached this Court in Crl.M.C.No.6227/2014 whereby by Annexure-A3 judgment, this Court quashed the impugned criminal proceedings against the said accused. It is in these aspects that the petitioner has filed the instant criminal case with the prayer for

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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 Annexures -A2 & A3 judgments.

2. Heard Smt.Priya P.K., learned counsel for the petitioner, Sri.M.P.Madhavan Kutty, learned Special Government Pleader (Forests) appearing for the respondent State of Kerala.

3. On a perusal of Anx. A2 judgment it can be seen that the trial court has conclusively held that the prosecution has failed to prove the charge levelled against the accused beyond reasonable doubt and acquitted the said co-accused persons. From a mere reading of Anx. A2 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.A1 final report/charge sheet filed in

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C.C.No.363/2010 on the file of the Judicial First Class Magistrate Court-III, Thrissur 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.

ALEXANDER THOMAS,
Judge.

bkn/-