

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 3497 of 2015

**CC 1094/2009 SPLIT UP AND RE-FILED AS CC.24692014 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT - I, KASARAGOD**

CRIME NO. 223/2009 OF BADIADUKKA POLICE STATION, KASARGOD
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PETITIONER(S)/ACCUSED 1 AND 3:

- 1. M.C.MAJEED, AGED 41 YEARS,
S/O.LATE MOOSA, R/AT CHARALADUKKA, NEKRAJE VILLAGE,
KASARAGOD DISTRICT.**
- 2. K.P.BASHEER, AGED 29 YEARS,
S/O.ABDUL RAHIMAN, R/AT KAPPIL KADAPPURAM, PALAKKUNNU,
UDUMA VILLAGE, KASARAGOD DISTRICT**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER, BADIADKA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 3497 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I : TRUE COPY OF THE FINAL REPORT IN CRIME NO.223/2009
DT 11-12-2009 BY THE BADIADKA POLICE STATION.**

**ANNEXURE II : TRUE COPY OF THE JUDGMENT IN CC.NO.1094/2009 BY THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.3497 of 2015

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Dated this the 1st day of July, 2015

ORDER

The petitioners herein are original accused Nos.1 and 3 in Crime No.223/2009 of Badiadka Police Station, for offences registered under Secs. 341, 323, 324 and 506(ii) r/w 34 of IPC. Original accused No.2 faced trial. The case against the petitioners herein has subsequently been re-numbered as C.C.No. 2469/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasaragod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. II judgment that there is no evidence to connect the said co-accused person with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioners have filed the instant criminal case 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.II judgment.

2. Heard Sri.Kodoth Sreedharan, learned counsel for the petitioners, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx. II 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 person. From a mere reading of Anx. II 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 petitioners. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.I final report/charge sheet filed in the impugned Crime No.223 of 2009 of Badiadka Police Station, which has led to the pendency of C.C.No.2469/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasaragod, 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE