

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. 3503 of 2015

**CC 1164/2013 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
CRIME NO. 71/1999 OF ERNAKULAM SOUTH POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED:

**GLEN PEIRY, AGED 50 YEARS,
PANICKASSERY HOUSE, NJARACKAL VILLAGE, PARAVUR TALUK,
ERANAKULAM DISTRICT, NOW RESIDING AT SCHOOL, MUTTAM,
VYPEEN, KOCHI TALUK, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SRI.M.X.ANTONY LIJO**

RESPONDENT(S)/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 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1. CERTIFIED COPY OF FIR IN CRIME NO.71/1999 OF ERNAKULAM
SOUTH POLICE STATION, ERNAKULAM.**

**ANNEXURE-A2. CERTIFIED COPY OF FINAL REPORT IN CC NO.1508/2002 OF ADDL.
CHEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.**

**ANNEXURE-A3. COPY OF ORDER DATED 15/6/2013 IN CC NO.1508/2002 OF ADDL.
CHEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Dated this the 11th day of June, 2015.

ORDER

The petitioner herein is the 2nd accused in C.C.No.1508/2002 on the file of the Additional Chief Judicial Magistrate Court, Ernakulam which arose out of impugned Annexure-A2 Final Report/Charge Sheet filed in Annexure-A1 FIR in Crime No.71/1999 of Ernakulam South Police Station registered for offences under Secs.406, 420 r/w 34 IPC. As the petitioner (A2) was not available for trial, the case against him was split up. The remaining 1st accused faced trial in C.C.No.1508/2002, in which the said Court as per Annexure-A3 judgment rendered on 15.6.2013 had acquitted the 1st accused. The case against the petitioner is now pending as C.C.No.1164/2013 on the file of the above said court. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Annexure-A3 judgment. It is in

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the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the prosecution has failed to prove the offences alleged against the 1st accused beyond reasonable doubt and the said accused was given the benefit of doubt and accordingly, acquitted him. From a reading of Annexure-A3 judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. 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.

3. In this view of the matter, it is ordered in the interest of justice that the impugned Annexure-A2 Final Report/Charge Sheet filed in Crime No.71/1999 of Ernakulam South Police Station

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which is now pending as C.C.No.1164/2013 on the file of the Additional Chief Judicial Magistrate Court, Ernakulam pending against the petitioner and all further proceedings arising therefrom pending against the petitioner are quashed.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-