

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. 3504 of 2015 ()

**CC 232/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR
CRIME NO. 180/2007 OF CHATHANNOOR POLICE STATION, KOLLAM**

PETITIONER/8TH ACCUSED :

**ANAZ, AGED 23 YEARS,
S/O. MUHMEDKUNJU, PNIKKARUVILA VEEDU,
VELICHIKALA CHERRI, PALLIMON VILLAGE, KOLLAM.**

**BY ADVS.SRI.V.RENJITH KUMAR
SRI.S.JAYAKUMAR (PANAMBIL)**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
CHATHANNUR POLICE STATION, KOLLAM.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

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

bp

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE 1: COPY OF THE FIR INCRIME 180/2007 F CHATHANNUR POLICE STATION, KOLLAM.

ANNEXURE 2: COPY F THE CHARGE SHEET IN CRIME 180/2007 OF CHATHANNUR POLICE STATION, KOLLAM.

ANNEXURE 3: COPY OF THE JUDGMENT DT 27/2/2010 IN CC NO. 410/2007 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT AT PARAVOOR, KOLLAM.

ANNEXURE 4: COPY OF THE ORDER DT 17/3/2015 IN CRL M.C. NO. 1695 OF 2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Dated this the 11th day of June, 2015.

ORDER

The petitioner herein is the original 8th accused in C.C.No.410/2007 on the file of the Judicial First Class Magistrate Court, Paravoor, Kollam District, which arose out of impugned Annexure-2 Final Report/Charge Sheet filed in Crime No.180/2007 of Chathannur Police Station registered for offences under Secs.143, 147, 447, 427, 188 r/w 149 IPC. As the petitioner and some other accused were not available for trial, the case against them was split up. The remaining accused faced trial in C.C.No.410/2007 on the file of the Judicial First Class Magistrate Court, Paravoor, in which the said Court as per Annexure-3 judgment rendered on 27.2.2010 had acquitted A2, A4 to A7, A10, A11 and A13 to A23 . Later accused Nos.1, 3 & 9 approached in this Court in Crl.M.C.No.16952015 and this Court by Annexure-4 order rendered on 17.3.2015 quashed the entire criminal proceedings pending against the petitioners therein in C.C.No.232/2010 on the file of the above said court. The case against the petitioner is now pending in C.C.No.232/2010 on the file of the above said court. It is the specific

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case of the petitioners that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Annexures-3 & 4 judgments. It is in 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 there is nothing to connect the accused with the crime though the investigating officer arrested them from the place of incident and there is nothing to that the accused have committed any offences alleged against them. From a reading of Annexure-3 & 4 judgments 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-2 Final Report/Charge Sheet filed in Crime No.180/2007 of Chathannur Police Station which is now

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pending as C.C.No.232/2010 on the file of the Judicial First Class Magistrate Court, Paravoor, Kollam District, 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/-