

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Crl.MC.No. 3522 of 2015

**CC 407/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 360/1999 OF PAYYANNUR POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED NO 3:

**BALAKRISHNAN, AGED 53 YEARS,
S/O. CHANDU, VELLOOR AMSOM DESOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM 682 031.**
- 2. P.SUDHEERBABU,
S/O. DAMODARAN, REDISING NEAR VILLAGE OFFICER,
VELLOOR AMSOM DESOM, PAYYANNUR,
KANNUR 670 001.**

BY PUBLIC PROSECUTOR SMT.S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3522 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 A TRUE COPY OF THE FIR IN CRIME NO 360 OF 1999 OF PAYYANNUR
POLICE STATION**

ANNEXURE A11 A TRUE COPY OF THE FINAL REPORT

**ANNEXURE A111 A TRUE COPY OF THE JUDGMENT DATED 31/1/2004 I C.C. NO. 878
OF 1999 ON THE FILED OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, PAYYANNUR**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.3522 of 2015

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Dated this the 12th day of June, 2015

O R D E R

The petitioner herein is original 3rd accused in Crime No.360 of 1999 of Payyannur Police Station, for offences registered under Secs.143, 147, 148, 452, 323, 324, r/w 149 of IPC. Original accused NoS. 2,4 and 5 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.407 of 2015 on the file of the Judicial First Class Magistrate's Court, Payyannur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-III 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. The petitioner has filed the instant criminal case 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 person as per Anx.A-III judgment.

2. Heard Sri.M. Sasindran, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-III 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 persons. From a mere reading of Anx.A-III 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. A-II final report/charge sheet filed in the impugned Anx. A-I Crime No. 360 of 1999 of Payyannur Police Station, which has led to the pendency of C.C.No. 407 of 2015 on the file of the Judicial First Class Magistrate's Court, Payyannur, 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/-

sab

ALEXANDER THOMAS, JUDGE