

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 3956 of 2015

C.C.NO.341/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KANNUR

CRIME NO. 63/2009 OF IRIKKUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.3 :

**ASKAR MAMMAD, AGED 42 YEARS,
S/O.MAMMAD, MUKREENTEKATH HOUSE, P.O.IRIKKUR,
KANNUR DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/COMPLAINANT & STATE :

**1. STATION HOUSE OFFICER,
IRIKKUR POLICE STATION,
RESPONDENT BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**2. STATE OF KERALA,
RESPONDENT BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: THE CERTIFIED COPY OF THE JUDGMENT IN
CC.NO.456/2009 ON THE FILE OF OF JUDICIAL 1ST CLASS
MAGISTRATE NO. II, KANNUR DATED 30/04/2012.**

**ANNEXURE A2: THE CERTIFIED COPY OF THE FIR NO. 63/2009 ON THE FILE
OF IRIKKUR POLICE STATION**

ANNEXURE A3: THE TRUE COPY OF THE CHARGE IN THE ABOVE CASE.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

=====

Crl.M.C No.3956 of 2015

=====

Dated this the 30th day of June, 2015

O R D E R

The petitioner herein is original accused No.3 in Crime No. 63/2009 of Irikkur Police Station, for offences registered under Secs.341, 323, 324 r/w 34 of IPC. Original accused Nos. 1 and 2 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.341 of 2012 on the file of the Judicial First Class Magistrate's Court-II, Kannur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. A1 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 persons as per Anx. A-1 judgment.

2. Heard Sri.C.K Sreejith, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-1 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-1 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-1 final report/charge sheet filed in the impugned Anx. A-2 Crime No. 63 of 2009 of Irikkur Police Station, which has led to the pendency of C.C.No. 341 of 2012 on the file of the Judicial First Class Magistrate's Court-II, Kannur, 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