

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 4125 of 2015

**L.P.NO.35/1991 IN C.C.NO.8/1991 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, VATAKARA**

PETITIONER(S)/ACCUSED :

**T.R.JAYARAJAN, AGED 49 YEARS,
S/O.ANANTHAN VYDIAR, THEKKE RAMATH HOUSE,
CHEMMARATHUR AMSOM DESOM, VATAKARA TALUK,
NOW RESIDING AT PATTARU PARAMBATH HOUSE,
NADKKUTHAZHA AMSOM DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT, PIN-673 106.**

**BY ADVS.SRI.U.P.BALAKRISHNAN
SRI.K.R.AVINASH (KUNNATH)**

RESPONDENT(S)/STATE :

- 1. SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION, VATAKARA P.O.,
KOZHIKODE DISTRICT, PIN-673 101.**
- 2. THE STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1:** THE TRUE COPY OF THE FIR DATED 27.10.1989 IN
CRIME NO.512/1989 OF VATAKARA POLICE STATION.
- ANNEXURE 2:** THE TRUE COPY OF THE FINAL REPORT IN
CRIME NO.512/1989 OF VATAKARA POLICE STATION.
- ANNEXURE 3:** THE TRUE COPY OF THE JUDGMENT OF THE JUDICIAL
MAGISTRATE OF FIRST CLASS, VATAKARA IN
CC NO.75/1990.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.4125 of 2015

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Dated this the 6th day of July, 2015

O R D E R

The petitioner herein is original accused No.1 in Crime No. 512/1989 of the Vatakara Police Station, for offences registered under Secs.143, 147, 148, 323, 324 r/w 149 of IPC. Original accused Nos. 2 to 5 faced trial. The case against the petitioner herein has subsequently been re-numbered as LPC No.35/1991 on the file of the Judicial First Class Magistrate's Court-Vatakara. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. 3 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.3 judgment.

2. Heard Sri.U.P Balakrishnan, learned counsel for the

petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx. 3 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.3 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. 2 final report/charge sheet filed in the impugned Anx. 1 Crime No. 512/1989 of Vatakara Police Station, which has led to the pendency of LPC No. 35/1991 on the file of the Judicial First Class Magistrate's Court-Vatakara and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

sd/-

sab

ALEXANDER THOMAS, JUDGE

