

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Crl.MC.No. 4165 of 2015

**CC 658/2015 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II, HOSDRUG.
CRIME NO. 316/2005 OF BEKAL POLICE STATION KASARGOD DISTRICT.**
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PETITIONER/2ND ACCUSED:

**ABBAS.P, AGED 35 YEARS,
S/O. ABDULLA, RESIDING AT RAHMAN HOUSE,
THEKKEPURAM, KEEKAN VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
BEKAL POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

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

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1:** THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.316/2005 OF BEKAL POLICE STATION.
- ANNEXURE A2:** THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.316/2005 OF BEKAL POLICE STATION.
- ANNEXURE A3:** THE TRUE CERTIFIED COPY OF THE JUDGMENT DATED 30.6.2008 IN C.C.95/2006 ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II, HOSDURG.
- ANNEXURE A4:** THE TRUE CERTIFIED COPY OF THE JUDGMENT DATED 30.3.2011 IN C.C.NO.808/2008 ON THE FILE OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II, HOSDURG.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C No.4165 of 2015

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Dated this the 7th day of July, 2015

O R D E R

The petitioner herein is original accused No.2 in Crime No. 316/2005 of Bekal Police Station, for offences registered under Secs.143, 147, 148, 323, 324 r/w 149 of IPC. Original accused Nos. 1, 3 and 4 faced trial by Anx.A3 and accused No.5 faced trial by Anx.A4. The case against the petitioner herein has subsequently been re-numbered as C.C.No.658/2015 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg. After meticulous appraisal of the evidence on record, the trial court concluded in Anxs.A3 and A4 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 Anxs. A3 and A4

judgments.

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

3. On a perusal of Anxs. A3 and A4 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 Anxs. A3 and A4 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.A2 final report/charge sheet filed in the impugned Anx. A1 Crime No. 316 of 2005 of Bekal Police Station, which has led to the pendency of C.C.No. 658 of 2015 on the file of the Judicial First Class Magistrate's Court-II,

Hosdurg, 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