

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. 4172 of 2015

**CC 1010/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 459/2008 OF PAYYANNUR POLICE STATION, KANNUR**
.....

PETITIONER(S)/ACCUSED NO.3,7 & 8:

- 1. RASHID M., AGED 35 YEARS,
S/O.MUHAMMED, MOOPPANTAKATH HOUSE, KUNHIMANGALAM AMSOM,
EDATTU, KANNOOR DISTRICT.**
- 2. NEWMAN SKP, AGED 33 YEARS,
S/O.MUSTHAFA, MEETHALEPURAYIL HOUSE, MATHAMANGALAM,
ERAMAM AMSOM, KANNOOR DISTRICT.**
- 3. SAMEER A.P., AGED 27 YEARS,
S/O.IBRAHIM, AMBALAPPURATH PUTHIYAPURAYIL HOUSE,
KUNHIMANGALAM AMSOM, EDATTU, KANNOOR DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

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

msv/

Crl.MC.No. 4172 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I- TRUE COPY OF THE CHARGE SHEET IN S.C.NO.721/05 PENDING
BEFORE THE ADDITIONAL SESSION'S COURT (FAST TRACK-II)
THRISSUR.**

**ANNEXURE II- TRUE COPY OF THE JUDGEMENT IN S.C.NO.721/05 OF ADDITIONAL
SESSION'S COURT (FAST TRACK-II) DATED 27.03.2008.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

=====

Crl.M.C No.4172 of 2015

=====

Dated this the 7th day of July, 2015

O R D E R

The petitioners herein are original accused Nos. 3, 7 and 8 in Crime No.459 of 2008 of Payyannur Police Station, for offences registered under Secs.143, 147, 148, 341, 323, 324 r/w 149 of IPC. Original accused Nos. 1,2 and 4 to 6 faced trial. The case against the petitioners herein has subsequently been re-numbered as C.C.No.1010/2011 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.II 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 petitioners have filed the instant criminal case with the prayer for quashment of the impugned criminal proceedings pending against them 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.II judgment.

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

3. On a perusal of Anx.II 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.II 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 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx. I final report/charge sheet filed in the impugned Crime No. 459 of 2008 of Payyannur Police Station, which has led to the pendency of C.C.No.1010/2011 on the file of the Judicial First Class Magistrate's Court, Payyannur, and all further proceedings

arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE