

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 4192 of 2015

**L.P.NO.119/2003 IN C.C.NO.134/2000 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, MANJERI
O.R.NO. 17/1995 OF KALIKAVU FOREST RANGE OFFICE ,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**SHERIF, S/O.MOHAMMED,
KAVANNA, THELAKKAD, VETTATHUR VILLAGE,
PEINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, (FOREST RANGE OFFICER, KALIKAVU,
MALAPPURAM DISTRICT).**

PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FINAL REPORT INI O.R.NO.17/1995 OF
KALIKAVU FOREST RANGE OFFICE.**

**ANNEXURE A2: TRUE COPY OF THE ORDER DATED 03.02.2003 IN
C.C.NO.134/2000 ON THE FILES OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, MANJERI.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 4192 of 2015

=====

Dated this the 8th day of July, 2015

O R D E R

The petitioner herein is the 2nd accused in O.R.17/1995 of Kalikavu Forest Range, registered for offences under Sec.27(1)(e)(II) (III) and (IV) of the Kerala Forest Act. Original accused No.1 faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.No.119/2003 in C.C.No.134/2000 on the file of the Judicial First Class Magistrate's Court-II, Manjeri. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-2 judgment that there is no evidence to connect the said co-accused (A-1) with the impugned criminal charges and had accordingly acquitted him. The petitioner has filed the instant Crl.M.C. 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-2 judgment.

2. Heard Sri.P.Shamsudin, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent

State of Kerala.

3. On a perusal of Anx.A-2 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused person with the impugned charges and acquitted the said co-accused. From a mere reading of Anx.A-2 judgment it is crystal clear that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused person. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioner herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.1 final report/charge sheet filed in O.R.17/1995 of Kalikavu Forest Range, which has led to the institution of L.P.No.119/2003 in C.C.No. 134/2000 on the file of the Judicial First Class Magistrate's Court-II, Manjeri, 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/-
ALEXANDER THOMAS, JUDGE
sdk+
///True copy///

P.S. to Judge

