

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Crl.MC.No. 4193 of 2015

**C.C.NO.376/2015 IN C.C.NO.339/2012 IN C.C.NO.32/2008 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, PERINTHALMANNA
CRIME NO. 135/2007 OF PERINTHALMANNA POLICE STATION ,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**MOHAMMED SHEREEF @ NANI,
S/O.ISMAYIL HAJI, MUTHUKKUTTI HOUSE,
ARAKKUPARAMBA AMSOM, MATTARAKKAL DESOM,
PERINTALMANNA 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, ERNAKULAM-682 031,
(SHO PERINTHALMANNA IN CRIME NO.135/2007).**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FIR, CHARGE MEMO AND
MEMORANDUM OF EVIDENCE IN CRIME NO.135/2007 OF
PERINTALMANA POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE DATED 22.05.2012 IN C.C.NO.32/2008
ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, PERINTALMANNA.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4193 of 2015

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Dated this the 9th day of July, 2015

O R D E R

The petitioner herein is the 4th accused in Crime No.135/2007 of Perinthalmanna Police Station, registered for offences under Sec.379 read with Sec.34 of the I.P.C., which has led to the institution of C.C.No.32/2008 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna. A-1 died. A-3 faced trial. Since the petitioner did not participate in the trial, the case against him has subsequently been re-numbered as C.C.No.376/2015 in C.C.No.339/2012 in C.C.No.32/2008 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna. 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-3) 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 person 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 Crime No.135/2007 of Perinthalmanna Police Station, which has led to the institution of C.C.No.376/2015 in C.C.No. 339/2012 in C.C.No.32/2008 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna, 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge