

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. 4260 of 2015

**CC 462/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERINTHALMANNA
CRIME NO. 144/2013 OF MELATTUR POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED:

**JAFFER, AGED 34 YEARS,
S/O.USMAN, MADUMBATHODI (H),
PACHEERISCHOOLPPADY, MANNAMALA P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031,
(THOUGH STATION HOUSE OFFICER, MELATJHUR POLICE STATION).**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

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

PJ

Crl.MC.No. 4260 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE I: COPY OF THE CHARGE SHEET IN CRIME NO.144/2013 OF MELATTUR
POLICE STATION.**

**ANNEXURE II: CERTIFIED COPY OF ORDER IN CC.882/14 OF JFCM-II,
PERINTHALMANNA.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4260 of 2015
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Dated this the 9th day of July, 2015

O R D E R

The petitioner herein is the 1st accused in the impugned Anx.I FIR in Crime No.144/2013 of Melattur Police Station, for offences registered under Secs.143, 147, 323 read with Sec.149 of the IPC. Original accused Nos.2 to 5 faced trial. The case against the petitioner herein has subsequently been re-numbered as Calendar Case, C.C.No.462/2015 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.II judgment that there is no evidence to connect the said co-accused persons (A-2 to A-5) with the impugned criminal charges and had accordingly acquitted the said co-accused persons. 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.II judgment.

2. Heard Sri.C.M.Kammappu, 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. From a mere reading of Anx.II judgment it is crystal clear that the substratum of the prosecution case 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 herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.I FIR in Crime No.144/2013 of Melattur Police Station, which has led to the institution of Calendar Case, C.C.No. 462/2015 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.

Sd/- ALEXANDER THOMAS, JUDGE

MJL