

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937**

**Crl.MC.No. 4320 of 2015**  
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**S.C.NO.205 OF 2008 AND NOW PENDING AS L.P.C.NO.120 OF 2008 OF JUDICIAL  
FIRST CLASS MAGISTRATE COURT-II, HOSDURG**

**CRIME NO.63 OF 2003 OF BEKAL POLICE STATION**  
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**PETITIONER(S)/ACCUSED NO.3 :**  
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**RASHID.M, AGED 30 YEARS,  
S/O.AYSHA, SHAREEFA MANZIL, KALANAD,  
KALANAD VILLAGE, KASARAGOD TALUK.**

**BY ADV. SRI.A.ARUNKUMAR**

**RESPONDENT(S)/COMPLAINANT/STATE :**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**BY PUBLIC PROSECUTOR SRI.R.GITHESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' ANNEXURES :**

- ANNEXURE AI:        A CERTIFIED COPY OF THE F.I.R. IN CRIME NO.63 OF 2003  
BY THE HOSDURG POLICE STATION, KASARAGOD.**
- ANNEXURE AII:       A CERTIFIED COPY OF THE FINAL REPORT IN  
CRIME NO.63 OF 2003 BY THE HOSDURG POLICE STATION,  
KASARAGOD.**
- ANNEXURE AIII:      A TRUE COPY OF THE JUDGMENT IN S.C.NO.205 OF 2008  
DATED 22.09.2011 ON THE FILES OF ADDITIONAL DISTRICT  
AND SESSIONS COURT (ADHOC-I), KASARAGOD.**

**RESPONDENT(S)' ANNEXURES :**

**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4320 Of 2015  
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Dated this the 13<sup>th</sup> day of July, 2015.

ORDER

The petitioner herein is the original accused No.3 in Crime No.63/2003 of Bekal Police Station registered for offences under Secs.307, 394, 120(B), 109 r/w 34 IPC. Initially, the learned Magistrate had taken the case on file as C.P.No.119/2007 and committed to the Sessions Court as against accused Nos.1, 2 & 4 and the same is numbered as S.C.No.205/2008. As the petitioner was not available for trial, the case against him was split up. The remaining three accused faced trial in S.C.No.205/2008 on the file of the Additional Sessions Court (Ad-Hoc)-I, Kasaragod, in which the said Sessions Court as per Anx-III judgment rendered on 22.9.2011 had acquitted all the other three co-accused. Later, the petitioner entered appearance and the case against him was re-numbered as C.P.No.76/2008 and is now pending as L.P.C.No.120/2008 on the file of the Judicial First Class Magistrate

Crl.M.C.No.4320 Of 2015

Court-II, Hosdurg. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-III judgment. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the prosecution has totally failed to prove the charges levelled against the accused. From a reading of Anx-III judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. 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.

3. In this view of the matter, it is ordered in the interest of justice that the impugned Annexure-II Final Report/Charge Sheet

Crl.M.C.No.4320 Of 2015

filed in Crime No.63/2003 of Bekal Police Station which is now pending as L.P.C.No.120/2008 on the file of the Judicial First Class Magistrate Court-II, Hosdurg pending against the petitioner and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,  
Judge.

bkn/-