

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. 4325 of 2015

CC 3939/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHITTUR

PETITIONER(S)/ACCUSED NO.2,3 & 4:

1. ASHIK, AGED 27 YEARS,
S/O.ABDUL SHUKKOOR, ASHIK MANZIL, EDATHARA,
KALANJOOR.P.O., PATHANAPURAM, KOLLM-689 694.
2. SHAMSUDEEN, AGED 46 YEARS,
S/O.ADAM, VENGAVILA HOUSE, NADUMURUPPU,
PATHIRICKAL.P.O., PATHANAPURAM-689 695.
3. ISMAIL, AGED 36 YEARS,
S/O.ADAM, MANNAYIKONAM,
THEKKEKARA PUTHEN VEEDU,
PATHIRICKAL.P.O., PATHANAPURAM-689 695.

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT(S)/COMPLAINANT & STATE:

1. SUBAIDA BEEVI, AGED 67 YEARS,
W/O.ALAVIKUTTY, NAVAB MANZIL, MELEKKAD,
PUTHUNAGARAM VILLAGE, CHITTOOR TALUK,
PALAKKAD DISTRICT-678 503.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.N.SURESH

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

PJ

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APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A- CERTIFIED COPY OF THE COMPLAINT IN C.C.NO.841 OF 2009 (NOW
SPLIT UP AND PENDING AS C.C.NO.3939/2013 AS AGAINST THE
PETITIONERS) ON THE FILES OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHITTOOR.**

**ANNEXURE B- CERTIFIED COPY OF THE JUDGMENT DATED 16.12.2013 IN
C.C.NO.841/2009 ON THE FILES OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHITTOOR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Dated this the 13th day of July, 2015.

ORDER

The petitioners herein are the original accused Nos.2 , 3 & 4 in C.C.No.841/2009 on the file of the Judicial First Class Magistrate Court, Chittur, which arose out of Anx-A complaint filed by the 1st respondent (complainant) alleging offence under Secs.143, 147, 323, 341, 452 r/w 149 IPC. The petitioners surrendered before the court below and they were enlarged on bail. Despite several postings of the case, the complainant failed to appear before the court below and prosecute the case. Since the petitioners were abroad in connection with their employment, they could not face the trial. The remaining accused faced trial in C.C.No.841/2009 on the file of the Judicial First Class Magistrate Court, Chittur, in which the said court as per Anx-B judgment rendered on 16.12.2013 had acquitted the other co-accused. The case against the petitioners is now pending as C.C.No.3939/2013

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on the file of the above said court. It is the specific case of the petitioners that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-B 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 complainant has failed to prove the guilt of the accused beyond reasonable doubt. From a reading of Anx-B 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 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.

3. In this view of the matter, it is ordered in the interest of justice that Anx-A complaint in C.C.No.3939/2013 on the file of

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the Judicial First Class Magistrate Court, Chittur pending against the petitioners and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

ALEXANDER THOMAS,
Judge.

bkn/-