

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 3188 of 2014 ()

**-----
CC. NO.40/2001 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM.**

CRIME NO. 58/1995 OF MAVOOR POLICE STATION , KOZHIKODE.

PETITIONER(S):

**PRADEEP, AGED 49 YEARS,
S/O.SANKARAN, GRASIM LABOUR COLONY,
MAVOOR DESOM AMSOM, PRESENTLY FROM
KUNDALIYOOR, THRISSUR.**

**BY ADVS.SMT.MEREENA JOSEPH,
SMT.P.M.FAREETHA BANU,
SMT.P.P.BLESSY MOL.**

RESPONDENT(S):

**1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

*** ADDL. R2 IMPEADED**

**2. GOPALAKRISHNAN, S/O.SANKARA NARAYANAN,
MUZHIYEDATH HOUSE, KANNIPARAMBU AMSOM,
PALANGATTU DESOM, THRISSUR DISTRICT-676 001.**

*** IS IMPEADED AS ADDITIONAL 2ND RESPONDENT AS PER
ORDER DATED 17/06/2014 IN CRL.MA. NO.5609/2014 IN
CRL.MC. NO.3188/2014.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1:** TRUE COPY OF THE FIR NO.58/1995 DATED 17/11/1995.
- ANNEXURE A2:** TRUE COPY OF THE FINAL REPORT NUMBERED AS C.C. NO.40/2001 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM.
- ANNEXURE A3:** TRUE COPY OF THE JUDGMENT IN CC.NO.40/2001 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM DATED 29/01/2005.
- ANNEXURE A4:** CERTIFIED COPY OF THE ORDERS OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, KUNNAMANGALAM ENLARGING THE PETITIONER ON BAIL.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

=====

Crl.M.C No.3188 of 2014

=====

Dated this the 5th day of August, 2015

O R D E R

The petitioner herein is original accused No.15 in Crime No. 58/1995 of Mavoor Police Station, for offences registered under Secs.143, 147, 148, 448, 324, 427 r/w 149 of IPC. Original accused Nos. 1 to 3, 5 to 11, 13, 14 and 17 to 21 faced trial and they were acquitted as per Anx.A3 judgment. The case against the petitioner herein has subsequently been re-numbered as C.C.No.82 of 2005 on the file of the Judicial First Class Magistrate Court, Kunnamangalam. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A3 judgment that there is no evidence to connect the said co-accused persons with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioner has filed the instant criminal case 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.A3 judgment.

2. Heard Sri.Mereena Joseph, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A3 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 persons. From a mere reading of Anx.A3 judgment it is crystal clear that the substratum of the prosecution 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. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A2 final report/charge sheet filed in the impugned Anx.A1 Crime No. 58/1995 of Mavoor Police Station, which has led to the pendency of C.C.No. 82 of 2005 on the file of the Judicial First Class Magistrate Court, Kunnamangalam, 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/-

sab

ALEXANDER THOMAS, JUDGE