

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Crl.MC.No. 4518 of 2015

**SC 111/2015 OF ASSISTANT SESSIONS COURT, HOSDRUG.
CRIME NO. 17/2007 OF AMBALATHARA POLICE STATION.**
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PETITIONER/ACCUSED:

**VINOD @ VINU, AGED 32 YEARS,
S/O.KUNHAMBU, VELLAMTHATTA, CHITHARI VILLAGE,
P.O.RAVANEESHWARAM, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SMT.PREM BINDU T.K.
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: THE TRUE COPY OF THE FIR IN CRIME NO.17/2007 OF
AMBALATHARA POLICE STATION.

ANNEXURE A2: TRUE COPY OF THE JUDGMENT IN SC NO.759/2007 ON THE
FILE OF THE ASSISTANT SESSION COURT, HOSDURG
DATED 30/11/2010.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.4518 of 2015

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Dated this the 17th day of July, 2015

O R D E R

The petitioner herein is original accused No.1 in Crime No. 17/2007 of Ambalathara Police Station, for offences registered under Sec. 55(a) of Abkari Act. Original accused Nos. 2 and 3 faced trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No.111/2015 on the file of the Assistant Sessions Court, Hosdurg. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. A2 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. A2 judgment.

2. Heard Sri.Vipindas T.K, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the

respondent State of Kerala.

3. On a perusal of Anx. A2 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. A2 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 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. In this view of the matter, it is ordered in the interest of justice that the impugned Crime No. 17/2007 of Ambalathara Police Station, which has led to the pendency of S.C.No.111/2015 on the file of the Assistant Sessions Court, Hosdurg, 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

