

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4567 of 2015

**LP 17/2014 OF ADDITIONAL SESSIONS COURT - II, MANJERI
CRIME NO. 108/2010 OF CHANGARAMKULAM POLICE STATION, MALAPPURAM**

PETITIONER(S)/ACCUSED NO.2:

**MUHAMMED SHAFI, AGED 39 YEARS,
S/O. MUHAMMED ALI, NEERKATTIL HOUSE, THALAMUNDA DESOM,
EDAPPAL AMSOM, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4567 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: THE TRUE COPY OF THE FIR IN CRIME NO.108/2010 OF
CHANGARAMKULAM POLICE STATION.**

**ANNEXURE 2: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.108/2010
OF CHANGARAMKULAM POLICE STATION.**

**ANNEXURE 3: THE TRUE COPY OF THE JUDGMENT IN S.C.NO.444/2011 ON THE FILES
OF THE ADDITIONAL SESSIONS COURT-11, MANJERI.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.4567 Of 2015

Dated this the 21st day of July, 2015.

ORDER

The petitioner herein is the original 2nd accused in Anx-2 final report in Crime No.108/2010 of Changaramkulam Police Station registered for offences under Secs.143, 147, 148, 323 & 308 r/w 149 of the IPC. The prosecution allegation is that the accused persons formed themselves into unlawful assembly and attacked the defacto complainant and thereby committed the alleged offences. As the petitioner (A2) and the 1st accused were not available for trial, the case against them was split up. The remaining accused (A3 to A5) faced trial in S.C.No.444/2011 on the file of the Additional Sessions Court-II, Manjeri, in which the said court as per Anx-3 judgment dated 20.9.2014 had acquitted the said accused (A3 to A5). The case against the petitioner is now pending as L.P.No.17/2014 on the file of the Additional Sessions Court-II, Manjeri. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the

Crl.M.C.No.4567 Of 2015

acquittal of the co-accused as per Anx-3 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 could not bring out any incriminating circumstances against the accused and neither the injured nor the occurrence witnesses support the prosecution case and the prosecution has miserably failed to bring on record any circumstances against the accused and failed to prove the charges levelled against them. From a reading of Anx-3 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

Crl.M.C.No.4567 Of 2015

justice that the impugned Anx-2 Final Report/Charge Sheet filed in Crime No.108/2010 of Changaramkulam Police Station which is now pending as L.P.No.17/2014 on the file of the Additional Sessions Court-II, Manjeri, 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/-