

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

CrI.MC.No. 4622 of 2015 ()

SC. NO.331/2014 OF ADDITIONAL SESSIONS COURT - IV, KOTTAYAM.

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PETITIONER/ACCUSED:

**P.K. JOSHI,
S/O. KUMARAN, POTTASHERRY HOUSE,
PUTHANVELIKKARA VILLAGE, NORTH PARAVUR,
ERNAKULAM.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.NANDAGOPAL S.KURUP.**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1- CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 364/89 DATED 01-09-1989 OF VAIKOM POLICE STATION.**
- ANNEXURE A2- CERTIFIED COPY OF THE FINAL REPORT DATED 31-05-1990 IN C.P.NO. 11/1990 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, VAIKOM.**
- ANNEXURE A3- TRUE COPY OF THE JUDGMENT IN S.C.NO. 17/1991 DATED 19-12-1998 PASSED BY THE ASSISTANT SESSIONS COURT, KOTTAYAM.**
- ANNEXURE A4- TRUE COPY OF JUDGMENT IN S.C.NO. 5/2012 DATED 13-05-2014 PASSED BY THE ADDITIONAL SESSIONS COURT-IV, KOTTAYAM.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4622 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioner herein is the 19th accused in Crime No.364/1989 of Vaikom Police Station, for offences registered under Secs. 143, 147, 148, 149, 332 and 307 of the I.P.C., which has led to the institution of S.C.No.331/2014 on the file of the Addl. Sessions Court-IV, Kottayam. Altogether there were 60 accused in the crime, out of which, 57 accused initially faced trial and they were acquitted as per Anx.A-3 judgment in S.C.No.17/1991 on the file of the Assistant Sessions Court, Kottayam. Later, 23rd accused also faced trial. He was also acquitted as per Anx.A-4 judgment in S.C.No. 5/2012 on the file of the Addl. Sessions Court-IV, Kottayam. The petitioner did not participate in the trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No. 331/2014 on the file of the Addl. Sessions Court-IV, Kottayam. Apart from the petitioner, there is one more accused, who did not face trial. After meticulous appraisal of the evidence on record, the

trial court concluded in Anxs.A-3 and A-4 judgments that there is no evidence to connect the co-accused persons, who faced trial in S.C.Nos.17/1991 on the file of the Assistant Sessions Court, Kottayam and S.C.No.5/2012 on the file of the Addl. Sessions Court-IV, Kottayam, with the impugned criminal charges and had accordingly acquitted them. The petitioner has filed the instant Crl.M.C. 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 Anxs. A-3 and A-4 judgments.

2. Heard Sri.Sreekumar.G.Chelur, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anxs.A-3 and A-4 judgments 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. From a mere reading of Anxs.A-3 and A-4 judgments it is crystal clear that the substratum of the prosecution case 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 herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.364/1989 of Vaikom Police Station, which has led to the institution of S.C.No.331/2014 on the file of the Addl. Sessions Court-IV, Kottayam, 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge