

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4803 of 2015

**CC 1272/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, KASARAGOD.
CRIME NO. 10/2007 OF ADHUR POLICE STATION, KASARAGOD.**
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PETITIONER/A1&A2:

- 1. RIYAS, AGED 28, S/O ABOOBACKER,
VENGASSERRY HOUSE, VADAKKEGARA,
MANKADA, MALAPPURAM DISTRICT.**
- 2. NAHAS K.P., AGED 27 YEARS,
S/O HASHIM, HAJI NIVAS, THAVAKARA,
KANNUR DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE I: **A CERTIFIED COPY OF THE F.I.R IN CRIME NO.10/07 OF ADHUIR
POLICE STATION, KASARAGOD DISTRICT.**

ANNEXURE II: **A CERTIFIED COPY OF THE FINAL REPORT.**

ANNEXURE III: **A CERTIFIED COPY OF THE JUDGMENT DATED 26.6.2012 IN
C.C.NO.778 OF 2007 OF JFCM-I, KASARAGOD.**

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.
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Crl.M.C.No.4803 of 2015
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Dated this the 30th day of July, 2015
O R D E R

The petitioners herein are accused Nos.1 and 7 in the impugned Anx.I FIR in Crime No.10/2007 of Adhur Police Station, Kasargod district, registered for offences punishable under Secs. 143, 147, 148, 341, 324, 326 read with Sec.149 of the I.P.C. All the accused except the petitioners herein faced trial. The case against the petitioners herein has subsequently been re-numbered as Calendar Case, C.C.No. 1272/2012 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.III judgment that there is no evidence to connect the co-accused persons with the impugned criminal charges and had accordingly acquitted them. The petitioners have filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal proceedings pending against them 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.III judgment.

2. Heard Sri. S.Vishnu, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent

State of Kerala.

3. On a perusal of Anx.III judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused with the impugned charges and acquitted them. From a mere reading of Anx.III judgment it is crystal clear that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused. 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.I final report/charge sheet filed in Crime No.10/2007 of Adhur Police Station, which has led to the institution of Calendar Case, C.C.No. 1272/2012 on the file of the Judicial First Class Magistrate's Court-I, Kasargod, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

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///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

