

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. 4811 of 2015

**CC 439/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KASARAGOD, DATED 22-09-2012
CRIME NO. 147/2007 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED NO.1:

**MUHAMMED SHAMEER, AGED 42 YEARS,
S/O. ABDUL KHADER, M.A HOUSE, THYALANGADI,
KASABA VILLAGE, KASARAGOD.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 4811 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 A TRUE COPY OF THE F.I.R IN CRIME NO 147 OF 2007 BY THE
KASARAGOD POLICE STATION,KASARAGOD**

**ANNEXURE AII A TRUE THE FINAL REPORT IN CRIME NO 147 OF 2007 BY THE
KASARAGOD POLICE STATION,KASARAGOD**

**ANNEXURE AIII A TRUE COPY OF THE JUDGMENT IN C.C NO 439 OF 2007 ON THE
FILES OF JUDICIAL FIRST CLASS MAGISTRATE-I
KASARAGOD DATED 22-09-2012**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 4811 of 2015

=====

Dated this the 30th day of July, 2015

O R D E R

The petitioner herein is the 1st accused in the impugned Anx. A-1 FIR in Crime No.147/2007 of Kasargod Police Station, registered for offences punishable under Secs.341, 323, 427 read with Sec.34 of the I.P.C. which has led to the institution of C.C.No. 439/2007 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. Accused Nos.2 and 3 faced trial. The case against the petitioner herein (A-1) has subsequently been split up and re-filed as C.C.No.2242/2012 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.A-III judgment that there is no evidence to connect Accused Nos.2 and 3 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 (Accused Nos.2 and 3) as per Anx.A-III judgment.

2. Heard the learned counsel for the petitioner and the

learned Public Prosecutor appearing of the respondent State of Kerala.

3. On a perusal of Anx.A-III judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons (Accused Nos.2 and 3) with the impugned charges and acquitted them. From a mere reading of Anx.A-III judgment 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 A-1 FIR in Crime No.147/2007 of Kasargod Police Station, which has led to the institution of C.C.No.2242/2012 on the file of the Judicial First Class Magistrate's Court-I, Kasargod, 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.

sdk+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.4811/15

- : 3 :-