

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4839 of 2015

SC 1500/2007 OF PRINCIPAL SUB COURT, ATTINGAL DATED 22-11-2012

CP 104/2006 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ATTINGAL

CRIME NO. 985/2005 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

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PETITIONER(S)/1ST ACCUSED:

**RAJEEV, S/O.UDAYANANDAN,
ANAND BHAVAN, KOLICHIRA, PERUNGUZHI DESOM,
AZHOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE
ATTINGAL POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A1 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.985/2005 OF
ATTINGAL POLICE STATION.**

**ANNX.A2 - CERTIFIED COPY OF THE FIR IN CRIME NO.985/2005 OF ATTINGAL POLICE
STATION.**

**ANNX.A3 - CERTIFIED COPY OF THE JUDGMENT DATED 19.08.2006 IN
SC NO.1500/2007 OF THE ASSISTANT SESSION JUDGE, ATTINGAL.**

**ANNX.A4 - CERTIFIED COPY OF THE DEPOSITION OF PW1 IN SC NO.1500/2007 OF
THE ASSISTANT SESSION JUDGE, ATTINGAL.**

**ANNX.A5 - CERTIFIED COPY OF THE DEPOSITION OF PW8 IN SC NO.1500/2007 OF
THE ASSISTANT SESSION JUDGE, ATTINGAL.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4839 of 2015

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Dated this the 5th day of August, 2015

O R D E R

The petitioner herein is original accused No.1 in Crime No. 985/05 of Attingal Police Station, for offences registered under Secs.143, 147, 148, 149, 109, 114 and 307 of IPC. Original accused Nos. 2 to 5 faced trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No.114/2013 on the file of the Assistant Sessions judge, Attingal. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A3 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 person as per Anx.A3 judgment.

2. Heard Sri. M.R Sarin Panicker, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A3 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 person. From a mere reading of Anx.A3 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 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A1 final report/charge sheet filed in the impugned Anx. A2 Crime No. 985 of 2005 of Attingal Police Station, which has led to the pendency of S.C.No. 114 of 2013 on the file of the Assistant Sessions Judge, Attingal 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