

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Crl.MC.No. 4854 of 2015 ()

**SC 254/2012 of ASSISTANT SESSIONS COURT, OTTAPPALAM
CRIME NO. 102/1996 OF SREEKRISHNAPURAM POLICE STATION, PALAKKAD**

PETITIONER :

**ABDUL KAREEM @ KAREEM,
S/O. ALAVIKUTTY HAJI, PARANGODATH VEEDU, VALIYORA,
KURUKA, CHANNACKAL VENGARA, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI. GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- A1: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 102/1996, SREEKRISHNAPURAM POLICE STATION.
- A2: CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT IN CRIME NO. 102/1996 SREEKRISHNAPURAM POLICE STATION.
- A3: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 102/1996 SREEKRISHNAPURAM POLICE STATION.
- A4: CERTIFIED COPY OF THE DEPOSITION OF PW1 DT. 22.2.2010 IN SC NO. 663/2007 ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPALAM.
- A5: CERTIFIED COPY OF THE DEPOSITION OF PW2 DT. 22.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A6: CERTIFIED COPY OF THE DEPOSITION OF PW3 DT. 22.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A7: CERTIFIED COPY OF THE DEPOSITION OF PW4 DT. 23.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A8: CERTIFIED COPY OF THE DEPOSITION OF PW5 DT. 24.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A9: CERTIFIED COPY OF THE DEPOSITION OF PW6 DT. 25.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A10: CERTIFIED COPY OF THE DEPOSITION OF PW7 DT. 25.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A11: CERTIFIED COPY OF THE DEPOSITION OF PW8 DT. 25.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A12: CERTIFIED COPY OF THE DEPOSITION OF PW9 DT. 25.2.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A13: CERTIFIED COPY OF THE DEPOSITION OF PW10 DT. 15.3.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPPALM.
- A14: CERTIFIED COPY OF THE JUDGMENT DT. 10.2.2015 IN SC NO. 212 OF 2002, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPALAM.
- A15: CERTIFIED COPY OF THE JUDGMENT DT. 27.3.2010 IN SC NO. 663/2007, ON THE FILES OF ASSISTANT SESSIONS COURT, OTTAPALAM.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

Crl.M.C.No.4854 Of 2015

Dated this the 31st day of July, 2015.

ORDER

The petitioner herein is the original 7th accused in Anx-A3 final report/charge sheet filed in Crime No.102/1996 of Sreekrishnapuram Police Station registered for offences punishable under Sec.395 of the IPC. The prosecution allegation is that the accused persons committed dacoity of the jeep by pulling CWs 1 to 3 and taken away the jeep and the money of the CWs 1 to 3 and thereby committed the alleged offences. There were altogether 9 accused in the crime. Accused Nos.2 and 8 faced trial in S.C.No.212/2002 on the file of the Assistant Sessions Court, Ottappalam, which resulted in acquittal of the said accused as per Anx-A14 judgment. The case against other accused was split up and numbered as S.C.No.422/2004. The case against the 4th accused was committed as C.P.No.65/2007 and trial was held in S.C.No.663/2007 and the court below as per Anx-A15 judgment acquitted the 4th accused. The case against the petitioner (A7) is

Crl.M.C.No.4854 Of 2015

now pending as S.C.No.254/2012 on the file of the Assistant Sessions Court, Ottapalam. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-A14 & A15 judgments. 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 witnesses had turned hostile to the prosecution and that on analysis of the evidence adduced in the case it is seen that the prosecution miserably failed to prove the guilt of the accused. From a reading of Anx-A14 & A15 judgments 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.

Crl.M.C.No.4854 Of 2015

3. In this view of the matter, it is ordered in the interest of justice that the impugned Anx-A3 Final Report/Charge Sheet filed in Crime No.102/1996 of Sreekrishnapuram Police Station which is now pending as S.C.No.254/2012 on the file of the Assistant Sessions Court, Ottappalam, 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/-