

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

CrI.MC.No. 4916 of 2015 ()

**CC.NO. 2886/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
CRIME NO. 112/2007 OF CHAVAKKAD POLICE STATION, TRISSUR**

PETITIONER/ACCUSED :

**SHAJAGHAN
AGED 28 YEARS, S/O. SAITHU,
THERUVATH RAMIAN VEEDU, ANCHANGADI
HOSPITAL ROAD, KADAPPURAM VILLAGE,
THRISSUR DISTRICT**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS S
SRI.H.NUJUMUDEEN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
CHAVAKKAD POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4916 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A-1 CERTIFIED COPY OF THE F.I.R IN CRIME NO. 112/2007.

**ANNEXURE A-2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO. 112/2007.**

**ANNEXURE A-3 CERTIFIED COPY OF THE JUDGMENT IN C.C. NO. 605/2007 ON
THE FILE OF THE COURT OF JFCM, CHAVAKKAD.**

RESPONDENT(S)' EXHIBITS : NIL

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P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4916 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioner herein is the 3rd accused in Anx.A-1 FIR in Crime No.112/2007 of Chavakkad Police Station, registered for offences punishable under Secs.143, 147, 148, 447 and 326 read with Sec.149 of the I.P.C., which has led to the institution of Calendar Case, C.C.No.605/2007 on the file of the Judicial First Class Magistrate's Court, Chavakkad. All the accused except the petitioner herein faced trial. The case against the petitioner herein has subsequently been re-numbered as Calendar Case, C.C.No. 2886/2014 on the file of the Judicial First Class Magistrate's Court, Chavakkad. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-3 judgment that there is no evidence to connect the said co-accused persons (Accused Nos.1, 2, 4, 5, 6, 7, 8 and 9) with the impugned criminal charges and had accordingly acquitted the said co-accused persons. 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 Anx.A-3 judgment.

2. Heard Sri.V.S.Salim, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-3 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. From a mere reading of Anx.A-3 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 Anx.1 final report/charge sheet filed in Crime No.112/2007 of Chavakkad Police Station, which has led to the pendency of Calendar Case, C.C.No. 2886/2014 on the file of the Judicial First Class Magistrate's Court,

Chavakkad, 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/-
ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge