

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

Crl.MC.No. 4922 of 2015

**C.C.NO.318 OF 2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
ATTINGAL
CRIME NO. 286/2002 OF CHIRAYINKEEZHU POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/1ST ACCUSED :

**S.N.SNJEEV KUMAR, AGED 53 YEARS,
S/O.SISRUTHAN, S.N.SADANAM, KOONTHALLOOR,
KIZHUVILAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.DINESH

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE 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:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: CERTIFIED COPY OF THE F.I.R IN CRIME NO.286/2012 OF CHIRAYINKEEZHU POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN C.C NO.461/2005 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

ANNEXURE A3: TRUE COPY OF THE JUDGMENT IN C.C NO.461/2005 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL DATED 20.04.2010.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4922 of 2015

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Dated this the 4th day of August, 2015

O R D E R

The petitioner herein is the 1st accused in Crime No.286/2002 of Chirayinkeezhu Police Station, for offences punishable under Secs.143, 147, 353, 294(b), 427, 188 read with Sec.149 of the I.P.C., which has led to the institution of Calendar Case, C.C.No. 461/2005 on the file of the Judicial First Class Magistrate's Court-I, Attingal. Altogether there were ten accused in the case. All accused except the petitioner faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No. 318/2010 on the file of the Judicial First Class Magistrate's Court-I, Attingal. 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 (A-2 to A-10) 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.M.Dinesh, 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.1-1 FIR filed in Crime No.286/2002 of Chirayinkeezhu Police Station, which has led to the pendency of C.C.No.318/2010 on the file of the Judicial First Class Magistrate's Court-I, 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.

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

P.S. to Judge