

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. 4983 of 2015 ()

CC. NO.1391/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOZHIKODE.

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PETITIONER/ACCUSED:

**FAIZAL, S/O.KASIM,
AGED 27 YEARS, KAPPURATH HOUSE,
MOOZHICAL. P.O., CHELAVOOR.**

**BY ADVS.SRI.AVM.SALAHUDIN,
SMT.EMIL STANLEY.**

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MUHAMMED. A.P, S/O.ABDULLAKUTTY,
AGED 42 YEARS, MOOZHICAL. P.O,
CHELAVOOR-673 571.**

R1 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:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

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|-------------|--|
| ANNEXURE-A1 | THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.644/2011 OF CHEVAYUR POLICE STATION. |
| ANNEXURE-A2 | THE TRUE COPY OF DEPOSITIONS OF THE WITNESSES PW1. |
| ANNEXURE-A3 | THE TRUE COPY OF DEPOSITIONS OF THE WITNESSES PW2. |
| ANNEXURE-A4 | THE TRUE COPY OF THE JUDGMENT DATED 05-11-2013 PASSED IN C.C.157/2012 BY JFCM-1,KOZHIKODE. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4983 of 2015

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Dated this the 5th day of August, 2015

ORDER

The petitioner herein is original accused No.4 in Crime No.644/2011 of Chevayoor Police Station, for offences registered under Secs.323, 324, 506(i) r/w 34 of IPC. The other accused faced trial and the case against the petitioner herein has subsequently been re-numbered as C.C.No.1391/2013 on the file of the Judicial First Class Magistrate's Court-I, Kozhikode. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A4 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 persons as per

Anx.A4 judgment.

2. Heard Sri.A.V.M.Salahuddeen, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A4 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 persons. From a mere reading of Anx.A4 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 Crime No.644/2011 of Chevayoor Police Station, which has led to the pendency of C.C.No.1391/2013 on the file of the

Judicial First Class Magistrate's Court-I, Kozhikode, 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