

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 5021 of 2015

**LP 1/2003 IN SC.NO.11/2000 OF SESSIONS COURT, PALAKKAD
CRIME NO. 163/1996 OF CBCID, PALAKKAD**

PETITIONER(S)/ACCUSED NO.3:

**V.K.MOHANAN, AGED 60 YEARS,
S/O.KUTTAN, MUKKRAMKODE, KOTTEKKAD P.O.
PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO - COMPLAINANT & STATE:-:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 5021 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.163/1996 OF
CBCID, PALAKKAD (PALAKKAD TOWN SOUTH POLICE STATION).**

**ANNEXURE B. CERTIFIED COPY OF THE JUDGMENT IN S.C.NO.11/2000 OF THE
COURT OF SESSIONS, PALAKKAD DIVISION DATED 21.07.2004.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5021 of 2015

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Dated this the 6th day of August, 2015

O R D E R

The petitioner herein (R-3) along with six others were charge sheeted by the Detective Inspector, CBCID, Palakkad (Palakkad Town South Police Station) in Crime No.163/1996 registered for offences punishable under Secs.143, 147, 148 341, 326, 307, 301 read with Sec.149 of the I.P.C., which has led to the institution of S.C.No.11/2000 on the file of the Court of Sessions, Palakkad Division. All the accused except the petitioner faced trial. The case against the petitioner herein was subsequently slit up and re-numbered as L.P.No.1/2003 in S.C.No.11/2000 on the file of the Court of Sessions, Palakkad Division. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.B judgment that there is no evidence to connect the said co-accused persons (A-1, A-2, A-4, A-5 and A-6) 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.B judgment.

2. Heard Sri.Johnson Varikkappallil, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.B 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 (A-1, A-2, A-4, A-5 and A-6). From a mere reading of Anx.B 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.A final report/charge sheet in Crime No. 163/1996 of CBCID, Palakkad (Palakkad Town South Police Station), which has led to the institution of L.P.No.1 /2003 in S.C.No.11 /2000 on the file

of the Court of Sessions, Palakkad Division, 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
///True copy///

P.S. to Judge