

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5052 of 2015

**CC 387/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, ERNAKULAM
CRIME NO. 1894/2007 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM**
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PETITIONER(S)/ORIGINAL A6:

**TOBY MAMPILLY,
S/O.JOSEPH, MAMPILLY HOUSE, NEAR PARAVUR MARKET,
PARAVUR VILLAGE, ERNAKULAM DISTRICT.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF
POLICE, ERNAKULAM CENTRAL POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.1894/2007 OF ERNAKULAM
CENTRAL POLICE STATION.**

**ANNEXURE B: CERTIFIED COPY OF FINAL FINAL REPORT IN CRIME NO.1894/2007 OF
CENTRAL POLICE STATION.**

**ANNEXURE C: CERTIFIED COPY OF THE JUDGMENT DATED 10/3/2015 IN
C.C.NO.230/2008 OF THE JUDICIAL IST CLASS MAGISTRATE COURT II,
ERNAKULAM.**

**ANNEXURE D: CERTIFIED COPY OF THE DEPOSITION OF PW1 IN CC.NO.230/2008 OF
THE JUDICIAL IST CLASS MAGISTRATE COURT II, ERNAKULAM.**

**ANNEXURE E: CERTIFIED COPY OF THE DEPOSITION OF PW2 IN CC.NO.230/2008 OF
THE JUDICIAL IST CLASS MAGISTRATE COURT II, ERNAKULAM.**

**ANNEXURE F: CERTIFIED COPY OF THE DEPOSITION OF PW3 IN CC.NO.230/2008 OF
THE JUDICIAL IST CLASS MAGISTRATE COURT II, ERNAKULAM.**

**ANNEXURE G: CERTIFIED COPY OF THE DEPOSITION OF PW4 IN CC.NO.230/2008 OF
THE JUDICIAL IST CLASS MAGISTRATE COURT II, ERNAKULAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.5052 of 2015

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Dated this the 7th day of August, 2015

O R D E R

The petitioner herein is original accused No.6 in Crime No.1894/2007 of Ernakulam Central Police Station, for offences registered under Secs.143, 147, 148, 323, 324 r/w 34 of IPC. Original accused Nos.1,2,4,5,7,8,10 and 11 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.387 of 2015 on the file of the Judicial First Class Magistrate's Court-II, Ernakulam. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.C 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.C judgment.

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

3. On a perusal of Anx.C 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.C 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.B final report/charge sheet filed in the impugned Anx.A Crime No.1894/2007 of Ernakulam Central Police Station, which has led to the pendency of C.C.No.387 of 2015 on the file of the Judicial First Class Magistrate's Court-II, Ernakulam, 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