

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. 5079 of 2015 ()

CC. NO.126/2009 (RE-FILED FROM CC. NO.762/2002) OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, SASTHAMCOTTA.
CRIME NO. 290/2001 OF SASTHAMCOTTA POLICE STATION.

PETITIONER/ACCUSED-A3:

BIJU, AGED 42 YEARS,
S/O PRABHAKARAN, CHALIL VEEDU,
VALIYAKULANGARA MURI, OACHIRA VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.P.VDILEEP.

RESPONDENTS/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A:** **A TRUE COPY OF F.I.R IN CRIME NO.290/2001 OF
SASTHAMCOTTA POLICE STATION.**
- ANNEXURE B:** **A TRUE COPY CHARGE SHEET IN CRIME NO.290/2001 OF
SASTHAMCOTTA POLICE STATION.**
- ANNEXURE C:** **A TRUE COPY OF JUDGMENT DATED 30.01.2009 IN
C.C.NO.762/2002 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, SASTHAMCOTTA.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.5079 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.290/2001 of Sasthamcotta Police Station, for offences registered under Secs.143, 145, 147, 283, r/w 149 of the I.P.C. and Section 38 r/w 52 of the Kerala Police Act. Original accused Nos. 1, 4, 5, 8, 11, 13 to 16, 19 and 20 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.126/2009 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta. 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 person 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 person as per Anx.C judgment.

2. Heard Sri.P.V Dileep, 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 person. 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.290/2001 of Sasthamcotta Police Station, which has led to the pendency of C.C.No. 126/2009 on the file of the Judicial First Class Magistrate Court, Sasthamcotta 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