

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. 5080 of 2015

**SC 908/2012 OF ASSISTANT SESSIONS COURT, PAYYANNUR
CRIME NO. 234/1991 OF PAYYANNUR POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED NO.2:

**ITTAMMAL SREEDHARAN, AGED 51 YEARS,
S/O.KORAN, VADAKKUMBAD, KANNUR DISTRICT.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
(SUB INSPECTOR OF POLICE, PAYYANNUR POLICE STATION,
CRIME NO.234/1991) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: A TRUE COPY OF THE CHARGE SHEET/FINAL REPORT IN CRIME
NO.234/1991 OF PAYYANNUR POLICE STATION.**

**ANNEXURE-A2: A TRUE COPY OF THE JUDGEMENT DATED 9.9.1994 OF THE
ASSISTANCE SESSIONS COURT, PAYYANNUR IN SC NO.128/1993.**

**ANNEXURE-A3: A TRUE COPY OF THE DEPOSITIONS OF PWS 1 TO 3 AND 6 IN SC
NO.128/1993.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.5080 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.2 in Crime No. 234/1991 of Payyannur Police Station, for offences registered under Secs.143, 147, 148, 448, 324, 307, 427, r/w 149 of IPC. The other accused faced trial and the case against the petitioner herein has subsequently been re-numbered as S.C.No.908/2012 on the file of the Assistant Sessions Court, Payyannur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A2 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.A2

judgment.

2. Heard Sri.O.V.Maniprasad, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A2 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.A2 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. 234 of 1991 of Payyannur Police Station, which has led to the pendency of S.C.No.908/2012 on the file of the Assistant Sessions Court, Payyannur, 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