

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 5213 of 2015

**CC 704/2003 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-V,
KOZHIKODE
CRIME NO. 134/1996 OF BEYPORE POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED NO.1:

**SULEKHA, AGED 44 YEARS,
W/O.ABDUL NAZAR, VELIKKAKATH VEEDU, (SULEKHA MANZIL),
NADUVATTAM, MATHOTTAM, KOZHIKODE.**

**BY ADVS.SRI.S.RAJEEV
SRI.V.VINAY**

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
(CRIME NO.134/06 OF BEYPORE POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 5213 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-I: TRUE COPY OF THE JUDGEMENT DATED 3.11.2007 IN CC NO.704/2003
PASSED BY THE JFCM-V, KOZHIKODE.**

**ANNEXURE-II: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.134/1996 OF
BEY PORE POLICE STATION.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.5213 of 2015

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Dated this the 11th day of August, 2015

O R D E R

The petitioner herein is original accused No.1 in Crime No. 134/1996 of Beypore Police Station, for offences registered under Secs. 468, 471 of the I.P.C. and section 12(1)(b) of the Passport Act. The other accused faced trial and the case against the petitioner herein has subsequently been re-numbered as LPC No.89/2009 on the file of the Judicial First Class Magistrate's Court-V, Kozhikode. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.I 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.I judgment.

2. Heard Sri.S.Rajeev, learned counsel for the petitioner,

and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.I judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused person with the impugned charges and acquitted the said co-accused person. From a mere reading of Anx.I judgment it is crystal clear that the substratum of the prosecution has been shattered by the acquittal of the said co-accused person. 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.II final report/charge sheet filed in the impugned Crime No. 134/1996 of Beypore Police Station, which has led to the pendency of LPC No.89/2009 on the file of the Judicial First Class Magistrate's Court-V, 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

