

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Crl.MC.No. 5353 of 2015 ()

**SC.NO. 558/2015 OF ASSISTANT SESSIONS COURT, VATAKARA
CRIME NO. 723/2010 OF NADAPURAM POLICE STATION , KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED NO. 4 & 5:

- 1. ABDUL RAHIM,
S/O. ABDURAHIMAN, AGED 27 YEARS,
KOOTAMKANDYIL HOUSE, KUMMANKODE,
NADAPURAM, VATAKARA THALUK.**
- 2. MUHAMMAD K., S/O. ANDRU, AGED 24 YEARS,
KELOTH HOUSE, NADAPURAM P.O.,
KUMMANKODE, VATAKARA THALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 5353 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 - COPY OF FINAL REPORT IN CRIME.NO.723/2010 OF
NADAPURAM POLICE STATION.**

**ANNEX A2 - COPY OF THE JUDGMENT IN S.C 189/2012 OF ASSISTANT SESSIONS
COURT, VATAKARA.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5353 of 2015

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Dated this the 17th day of August, 2015

O R D E R

The petitioners herein are accused Nos.4 and 5 in the impugned Anx.I final report/charge sheet filed in Crime No.723/2010 of Nadapuram Police Station, registered for offences under Secs.143, 147, 148, 341, 323, 324, 308 read with Sec.149 of the I.P.C., which has led to the institution of S.C.No.189/2012 of Assistant Sessions court, Vatakara. Since the petitioners herein were not available for trial, the case against them has subsequently been re-numbered as S.C.No.558/2015 on the file of the Assistant Sessions Court, Vatakara. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.II judgment that there is no evidence to connect the co-accused persons (A-1 and A-3 in S.C.No.189/2012) with the impugned criminal charges and had accordingly acquitted the said co-accused persons. The petitioners have filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal proceedings pending against them 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.II judgment.

2. Heard Sri.Zubair Pulikool, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.II judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons (A-1 and A-3 in S.C.No.189/2012) with the impugned charges and acquitted the said co-accused. From a mere reading of Anx.II 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 petitioners herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.I final report/charge sheet filed in Crime No.723/2010 of Nadapuram Police Station, which has led to the institution of S.C.No.558/2015 on the file of the Assistant Sessions Court, Vatakara and all further proceedings arising therefrom pending

against the petitioners herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge