

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. 5356 of 2015 ()

**CC.NO.69/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PONNANI
CRIME NO. 125/2003 OF CHANGARAMKULAM POLICE STATION, MALAPPURAM**

PETITIONER/ACCUSED NO.4:

**P.A.JOSE,
S/O. AUGUSTIN, PALASERI HOUSE, JORDANAPURAM,
KALADY, PUTHIYEKKARA DESOM - 683 574.**

**BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**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. 5356 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A1 - CERTIFIED COPY OF JUDGMENT DT. 21.1.2015 IN CC NO. 247/2003 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.**
- ANNEX A2 - CERTIFIED COPY OF FIR IN CC NO. 69/2015 (LP NO. 93/2015) BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, CHANGARAMKULAM.**
- ANNEX A3 - CERTIFIED COPY OF FINAL REPORT IN CC NO. 69/2015 (LP NO. 93/2015) BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, CHANGARAMKULAM.**
- ANNEX A4 - CERTIFIED COPY OF MEMORANDUM OF EVIDENCE IN CC NO. 69/2015 (LP NO. 93/2015) BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, CHANGARAMKULAM.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5356 of 2015

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Dated this the 17th day of August, 2015

ORDER

The petitioner herein is the 4th accused in the impugned Anx.A-3 final report/charge sheet filed in Anx.A-2 Crime No.125/2003 of Changaramkulam Police Station, registered for offence punishable under Sec.39 of the Indian Electricity Act, 1910. Original accused Nos.1 and 3 faced trial. The case against A-2 and A-4 (petitioner herein) has subsequently been re-numbered as L.P.No. 93/2015 in C.C.No.69/2015 on the file of the Judicial First Class Magistrate's Court, Ponnani. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-1 judgment that there is no evidence to connect accused Nos.1 and 3 with the impugned criminal charges and had accordingly acquitted them. The petitioner has filed the instant Crl.M.C. 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

(Accused Nos.1 and 3) as per Anx.A-1 judgment.

2. Heard Sri.Elvin Peter, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-1 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused (Accused Nos.1 and 3) with the impugned charges and acquitted them. From a mere reading of Anx.A-1 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 petitioner herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A-3 final report/charge sheet filed in Anx.A-2 Crime No.125/2003 of Changaramkulam Police Station, which has led to the institution of L.P.No.93/2015 in C.C.No.69/2015 on the file of the Judicial First Class Magistrate's Court, Ponnani, 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.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge