

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. 5365 of 2015

**CC 1171/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, PERINTHALMANNA
CRIME NO. 569/2012 OF MELATTUR POLICE STATION, MALAPPURAM**
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PETITIONER(S)/ACCUSED:

**ABDUL MAJEED,
S/O. HANEEFA, KALLUPALATHINGAL HOUSE, VETTATHUR,
HIGH SCHOOLPPADY, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/STATE:

**THE SUB INSPECTOR OF POLICE,
MELATTUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 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:**

msv/

Crl.MC.No. 5365 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**A1 - CERTIFIED COPY OF THE ORDER IN CC NO. 371/2013 OF JUDICIAL MAGISTRATE
COURT - II, PERINTHALMANNA.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No.5365 of 2015

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Dated this the 17th day of August, 2015

ORDER

The petitioner herein is the 2nd accused in Crime No.569/2012 of Melathur Police Station, registered for offences punishable under Secs.279 & 304(A) of the I.P.C., which has led to the institution of Calendar Case, C.C.No.371/2013 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna. Original accused Nos.1 and 3 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No. 1171/2014 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.I 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.I judgment.

2. Heard Sri.C.M.Kammappu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent

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 (Accused Nos.1 and 3) with the impugned charges and acquitted them. From a mere reading of Anx.I 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 Crime No.569/2012 of Melathur Police Station, which has led to the institution of Calendar Case, C.C.No.1171/2014 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna 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