

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 5398 of 2015

**CC 811/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR
CRIME NO. 304/2004 OF ALATHUR POLICE STATION, PALAKKAD**
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PETITIONER(S)/ACCUSED:

**PARIJAKSHAN, AGED 41 YEARS,
S/O. KRISHNANKUTTY, PIPAPPULLY,
CHIRAPPADAM PERINGOTTUKURISSI,
PALAKKAD DISTRICT, PIN - 678 574.**

**BY ADVS.SRI.PRASUN S.
SRI.PAUL MATHEW (PERUMPILLIL)**

RESPONDENT(S)/COMPLAINANT-STATE:

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

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: THE TRUE COPY OF THE FINAL REPORT IN CRIME NO 304 OF 2004
OF ALATHUR POLICE STATION.**

**ANNEXURE A2: THE TRUE PHOTOCOPY OF THE PHOTOCOPY OF THE JUDGMENT OF
ACQUITTAL DATED 30-11-2011 IN C.C NO 767 OF 2004 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

The petitioner herein is the original 3rd accused in the impugned Anx-A1 final report/charge sheet filed in Crime No.304/2004 of Alathur Police Station, registered for offences punishable under Sec.420 r/w 34 of the IPC. Altogether there were 3 accused in the crime. Except the petitioner (A3), the other 2 accused faced trial in C.C.No.767/2004 on the file of the Judicial First Class Magistrate Court, Alathur, in which the said court as per Anx-A2 judgment dated 30.11.2011 acquitted the said accused. The case against the petitioner is now pending as C.C.No.811/2011 on the file of the above said court. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-A2 judgment. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioner in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the oral testimony of the witnesses is not reliable and that the prosecution had failed in proving the alleged offence against

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the accused and accordingly acquitted the said accused. From a reading of Anx-A2 judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. 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.

3. 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 Crime No.304/2004 of Alathur Police Station, which is now pending as C.C.No.811/2011 on the file of the Judicial First Class Magistrate Court, Alathur, and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-