

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937**

**Crl.MC.No. 5505 of 2015 ()**

**CC 1108/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,KOTTARAKKARA**

**PETITIONERS/ACCUSED NOS.3,5 AND 6 :**

- 1. JAYESH, AGED 30 YEARS, S/O. SASIDHARAN,  
KOCHUKONATHU VEEDU, DARBHAKADU  
KUMMIL VILLAGE, KOLLAM DISTRICT.**
- 2. VINOD AGED 33 YEARS  
S/O.VASUDEVAN PILLAI, VINOD BHAVAN, DARBHAKADU  
KUMMIL VILLAGE, KOLLAM DISTRICT.**
- 3. BINU, AGED 42 YEARS,  
S/O. KRISHNAN ACHARY, MUKESH BHAVAN, DARBHAKADU,  
KUMMIL VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU  
SMT.S.SEETHA**

**RESPONDENT/STATE :**

**STATE OF KERALA  
THROUGH SUB INSPECTOR OF POLICE,  
KADAKKAL POLICE STATION,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA AT ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**Crl.MC.No. 5505 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE 1: THE COPY OF FIR WITH FIS IN CRIME NO.94/2007 OF KADAKKAL  
POLICE STATION.**

**ANNEXURE 2: THE COPY OF FINAL REPORT IN CRIME NO.94/2007 OF KADAKKAL  
POLICE STATION.**

**ANNEXURE 3: THE COPY OF JUDGMENT DATED 18.6.2012 IN C.C.NO.716/2007 ON  
THE FILE OF JFMC-II, KOTTARAKKARA.**

**ANNEXURE 4: THE COPY OF JUDGMENT DATED 13.6.2013 IN C.C.NO.917/2012 ON  
THE FILE OF JFMC-II, KOTTARAKKARA.**

**RESPONDENT(S)' EXHIBITS : NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE**

**bp**

ALEXANDER THOMAS, J.

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Crl.M.C.No.5505 of 2015

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Dated this the 19<sup>th</sup> day of August , 2015

OR D E R

The petitioners herein are original accused Nos.3 to 6 in Crime No.94/2007 of Kadakkal Police Station, Kollam district for offences registered under Secs.143, 147, 148, 323, 324, 427 and r/w 149 of IPC. Original accused Nos.A-1, A-2 and A-4 faced trial. The case against the petitioners herein has subsequently been re-numbered as Calendar Case, C.C.No.1108/2013 on the file of the Judicial First Class Magistrate Court-II, Kottarakkara. After meticulous appraisal of the evidence on record, the trial court concluded in Anxs. A-3 and A-4 judgments that there is no evidence to connect the said co-accused persons( A-1, A-2 and A-4) with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioners have filed the instant criminal case 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 Anxs.A-3 and A-4 judgments.

2. Heard Sri.Siju Kamalasanan learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anxs.A-3 and A-4 judgments it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons with the impugned charges and acquitted the said co-accused persons. From a mere reading of Anxs.A-3 and A-4 judgments it is crystal clear that the substratum of the prosecution 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. 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.A-1 FIR in Crime No.94/2007 of Kadakkal Police Station, which has led to the pendency of C.C.No.1108/2013 on the file of the Judicial First Class Magistrate Court-II, Kottarakkara 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.

Sd/-  
ALEXANDER THOMAS, JUDGE

AVS