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. 5526 of 2015

C.C.NO.804/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM

C.C.NO.184/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM

CRIME NO. 434/2010 OF KONDOTTY POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

C.K.RAFEEK BABU, AGED 36 YEARS,
S/O.MOIDEEN, CHOLAVARIKKAN HOUSE, NEDIYIRIPPU,
MUSLIYARANGADI.

BY ADV. SRI.P.M.RAFIQ

RESPONDENT(S)/COMPLAINANT :

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

Msd.

Crl.MC.No. 5526 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A: **TRUE COPY OF THE FINAL REPORT IN C.C.NO.184/2011 IN C.C.NO.804/2013 OF THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM.**

ANNEXURE B: **TRUE COPY OF THE JUDGMENT IN C.C.NO.184/2011 OF THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM, DATED 14.08.2013.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5526 of 2015

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Dated this the 19th day of August , 2015

O R D E R

The petitioner herein is original accused No.5 in Crime No. 434/2010 of Kondotty Police Station, Malappuram district for offences registered under Secs.143, 147, 341, 323, 355 and 506(i) r/w 149 of IPC. Original accused Nos. A-1 to A-4 faced trial. The case against the petitioner herein has subsequently been re-numbered as Calendar Case, C.C.No.804/2013 on the file of the Judicial First Class Magistrate Court, Malappuram district. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. B judgment that there is no evidence to connect the said co-accused persons (A-1 to A-4) with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioner has filed the instant criminal case 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 as per Anx.B judgment.

2. Heard Sri.Rafiq.P.M, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.B judgment 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 Anx.B judgment 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 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. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A final report/charge sheet filed in the impugned Crime No.434/2010 of Kondotty Police Station, which has led to the pendency of C.C.No.804/2013 on the file of the Judicial First

Class Magistrate Court, Malappuram 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.

Sd/-
ALEXANDER THOMAS, JUDGE

AVS