

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. 5555 of 2015

**L.P.NO.325/2006 (SPLIT UP AND RE-FILED AS C.C.NO.251/2006 FROM
C.C.NO.554/2001 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM**

CRIME NO. 23/2001 OF KOLLAM EAST POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED-A1 :

**BABU, AGED 49 YEARS,
S/O.PAPPACHAN, THILLERI MISSION COMPOUND,
UDAYAMARTHANDAPURAM CHERI, MUNDAKKAL VILLAGE,
KOLLAM DISTRICT, (NOW RESIDING AT VISHNU VISHU VILLA,
KOTTAMKARA, CHANDANATHOP P.O, KERALAPURAM,
KOLLAM DISTRICT).**

BY ADV. SRI.P.VDILEEP

RESPONDENT(S)/COMPLIANANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, 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:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: A TRUE COPY OF THE F.I.R AND F.I.S IN CRIME NO. 23/2001
 OF KOLLAM EAST POLICE STATION.**

**ANNEXURE B: A TRUE COPY CHARGE SHEET IN CRIME NO. 23/2001 OF
 KOLLAM EAST POLICE STATION.**

**ANNEXURE C: A TRUE COPY OF JUDGMENT DATED 16/02/2006 IN
 CC NO. 554/2001 OF THE JUDICIAL FIRST CLASS
 MAGISTRATE COURT-II, KOLLAM.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5555 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.A-1 in Crime No. 23/2001 of Kollam East Police Station, for offences registered under Secs 452, 323, 324 r/w 34 of IPC. Original accused Nos. A-2 and A-3 faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.No.325/2006 (Split up and re-filed as C.C.No.251/2006 from C.C.No.554/2001) on the file of the Judicial First Class Magistrate's Court-II, Kollam district. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.C judgment that there is no evidence to connect the said co-accused persons (A-2 and A-3) 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.C judgment.

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

3. On a perusal of Anx.C 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.C 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.B final report/charge sheet filed in the impugned Crime No. 23/2001 of Kollam East Police Station, which has led to the pendency of L.P.No.325/2006 (Split up and re-filed as C.C.No.251/2006 from C.C.No.554/2001) on the file of the Judicial First Class Magistrate's Court-II, Kollam district and all further

proceedings arising therefrom pending against the petitioner herein stands quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

Sd/-
ALEXANDER THOMAS, JUDGE

AVS