

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

CrI.MC.No. 5647 of 2015 ()

CC 1981/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA

PETITIONERS/ACCUSED NOS. 3 & 6 :

- 1. JITHUN, AGED 31 YEARS, S/O PADMANABHAN,
SREE SIVAM' HOUSE, JANATHA ROAD,
PUTHUPPANAM.**
- 2. FIROS, AGED 30 YEARS, S/O. HARIS, NISSARI HOUSE,
CUSTOMS ROAD, VATAKARA.**

**BY ADVS.SRI.C.KHALID
SMT.K.REEHA KHADER**

RESPONDENT/STATE :

**STATE OF KERALA
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 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

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APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A TRUE COPY OF THE FIR IN CRIME NO. 665/09 OF VATAKARA
POLICE STATION.**

ANNEXURE A11: A TRUE COPY OF THE JDGMENT DT. 8/11/13.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Dated this the 20th day of August, 2015.

ORDER

The petitioners herein are the original accused Nos.3 & 6 in the impugned Anx-A1 FIR in Crime No.665/2009 of Vadakara Police Station, Kozhikode, registered for offences punishable under Secs.143, 147, 148, 341, 324, 427 506(i) r/w 149 of the IPC, which was originally numbered as C.C.No.78/2010 on the file of the Judicial First Class Magistrate Court, Vadakara and now pending against the petitioners as C.C.No.1981/2013 on the file of the above said court. The prosecution allegation is that the accused persons formed themselves into an unlawful assembly and committed rioting armed with deadly weapons and restrained the defacto complainant and caused hurt to him and also caused damage to his vehicle. There were altogether 6 accused in the crime. Trial was conducted in C.C.No.78/2010 on the file of the Judicial First Class magistrate Court, Vadakara, in which the said

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court as per Anx-AII judgment dated 8.11.2013 had acquitted accused Nos.1, 2, 4 & 5. Since the petitioners (A3 & A6) could not face the trial, the case then was split up and re-numbered as C.C.No.1981/2013. It is the specific case of the petitioners that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-AII judgment. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioners in the instant CrI.M.C.

2. On a close scrutiny of the evidence on record, the court below held that there is no evidence on record so as to connect the accused with the offences alleged against them and the prosecution could not prove its case against the accused and accordingly acquitted the accused. From a reading of Anx-AII 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 petitioners. Any further

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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-I FIR in Crime No.665/2009 of Vadakara Police Station, which is now pending as C.C.No.1981/2013 on the file of the Judicial First Class Magistrate Court, Vadakara, and all further proceedings arising therefrom pending against the petitioners 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/-