

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

Crl.MC.No. 5738 of 2015 ()

CC.NO. 1113/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
CRIME NO. 406/2006 OF KAZHAKUTTOM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/A1 :

SUNIL @! JOHN
AGED 33 YEARS, S/O.EARNEST @ VEDIKUTTAN @ KUTTAN
PUTHUVAL PURAYIDOM VEEDU, NEAR KINFRA LADIES HOSTEL
ARATTUVAZHY, MENAMKULAM VILLAGE, KAZHAKUTTOM
THIRUVANANTHAPURAM.

BY ADV. SRI.V.S.THOSHIN

RESPONDENT/COMPLAINANT :

THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM
THROUGH THE SUB INSPECTOR OF POLICE
KAZHAKUTTOM POLICE STATION
THIRUVANANTHAPURAM - 695 001.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...2/-

Crl.MC.No. 5738 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE-A: **THE TRUE COPY OF THE FINAL REPORT IN C.C.NO.1113/07
ARAISED FROM CRIME NO.406/06 OF KAZHAKUTTOM POLICE
STATION, THIRUVANANTHAPURAM, PENDING ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL,
THIRUVANANTHAPURAM.**

ANNEXURE-B: **THE CERTIFIED COPY OF JUDGMENT OF ACQUITTAL DATED
30.5.15 IN C.C.NO.1113/07 OF THE JUDICIAL FIRST CLASS
MAGISTRATE - II, ATTINGAL, THIRUVANANTHAPURAM.**

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

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

=====

Crl.M.C.No.5738 of 2015

=====

Dated this the 20th day of August , 2015

O R D E R

The petitioner herein is the 1st accused in Crime No.406/2006 of Kazhakuttom Police Station, Thiruvananthapuram district for offences registered under Secs.143, 147, 148, 153(A), 427 and 447 r/w 149 of the IPC. Original accused Nos.A-2 and A-3 faced trial. The case against the petitioner herein has subsequently been re-numbered as Calendar Case, C.C. No.867/2015 on the file of the Judicial First Class Magistrate Court-II, Attingal, Thiruvananthapuram. 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-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.B judgment.

2. Heard Sri.Thoshin.V.S, 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 Crime No.406/2006 of Kazhakuttom Police Station, which has led to the pendency of C.C.No.867/2015 on the file of the Judicial First Class Magistrate Court-II, Attingal, Thiruvananthapuram 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