

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6096 of 2015 ()

**SC.NO. 203/2009 OF IV ADDL.SESIONS COURT, THRISSUR
CP.NO. 152/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKUDA
CRIME NO. 26/2007 OF KODAKARA POLICE STATION , THRISSUR DISTRICT**

PETITIONER/5TH ACCUSED:

**SUMESH, AGED 29 YEARS,
S/O.KANNEKKADAN SUBRAN,
NEAR VADAKKARA AYYAPPANKAVU TEMPLE,
KOORKENCHERY, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 6096 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A: TRUE COPY OF THE FINAL REPORT FILED BY THE KODAKARA
POLICE.**

**ANNEX-B: TRUE COPY OF THE JUDGEMENT DTD 30.8.2014 IN S.C. NO.203/2009
OF THE IV ADDITIONAL SESSION JUDGE, THRISSUR.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6096 of 2015 A
.....

Dated this the 28th day of October, 2015

O R D E R

~ ~ ~ ~ ~

Petitioner is the accused in SC No.619/2014 of the IVth Additional Sessions Court, Thrissur, which was split up from SC No.203/2009 of the said Court. The said case had arisen from Crime No.26/2007 of Kodakara Police Station for the offence punishable under Section 399 IPC.

2. The allegation against the petitioner and the other accused is that on 15.01.2007 at 10.30 p.m., they were found standing gathered in front of a workshop at Kodakara. It is alleged that they were found armed with iron rod and chilli powder.

3. All the other accused in the crime, except the

petitioner and the 2nd accused, had faced trial in SC No.203/2009 and all of them were acquitted vide Annexure-B judgment. The 2nd accused is no more. When all the other accused were acquitted in the matter, no purpose would be served in proceeding with the matter further. There is no case that the petitioner was armed with any weapon. No weapon has been seized from the possession of the petitioner. No criminal antecedents have been reported against the petitioner. Matters being so, further prosecution of SC No.619/2014 is quite unnecessary and will be a waste of time. Therefore, all further proceedings against the petitioner in SC No.619/2014 of the IVth Additional Sessions Court, Thrissur, which has arisen from Crime No.26/2007 of Kodakara Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in SC No.619/2014 of the IVth Additional Sessions Court, Thrissur, which has arisen

CrI.M.C.6096/2015

: 3 :

from Crime No.26/2007 of Kodakara Police Station, are
quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/10

// True Copy //

PA to Judge