

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

Crl.MC.No. 5522 of 2014 ()

**LP.NO. 81/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PONNANI
CRIME NO. 27/2010 OF PERUMPADAPPU POLICE STATION , MALAPPURAM DISTRICT**

PETITIONER/ACCUSED:

**ZIYAD ALI, S/O.ALI, AGED 26 YEARS,
CHOZHIYATTAYIL HOUSE, MARANJERI AMSOM DESOM,
KODANCHERRY.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENTS/STATE:

**STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
PERUMBADAPPU POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.**

***ADDL.R2 IMPEADED**

***ADDL.R2: MR.SUMESH,S/O.VASU,AGED 26 YEARS,
RESIDING AT ARIYALLIVEEDU, MARANJERI,
MALAPPURAM DISTRICT.**

***ADDL.R2 IS IMPEADED AS PER ORDER DATED 10-06-2015 IN
CRL.M.A.NO.3293/2015.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
ADDL.R2 BY ADV. SRI.PRATHEESH.P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX 1- THE TRUE COPY OF THE FIS OF THE DEFACTO COMPLAINANT.**
- ANNEX 2- THE CERTIFIED COPY OF THE FIR IN CRIME NO.27/2010 OF
PERUMBADAPPU POLICE STATION.**
- ANNEX 3- THE CERTIFIED COPY OF THE FINAL REPORT.**
- ANNEX 4- THE TRUE COPIES OF THE DEPOSITIONS OF PW-1 AND 2.**
- ANNEX 5- CERTIFIED COPY OF THE JUDGMENT DATED 10.01.2014 IN
C.C.NO.575/2010.**
- ANNEX 6- COPY OF THE AFFIDAVIT EXECUTED BY THE DEFACTO COMPLAINANT**

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.5522 Of 2014

Dated this the 10th day of June, 2015.

ORDER

The petitioner is the original accused No.3 in Crime No.27/2010 of Perumbadappu Police Station along with two others for the alleged offences under Secs.341, 323 r/w 34 IPC. The case was settled out of court. As the petitioner was not available for trial, the case against him was split up. The remaining accused faced trial in C.C.No.575/2010 on the file of the Judicial First Class Magistrate Court, Ponnani, in which the said court as per Annexure-5 judgment rendered on 10.01.2014 had acquitted the other two co-accused. The case against the petitioner is now pending as L.P.No.81/2014 (arising out of re-filed C.C.No.43/2014) on the file of the above said court. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Annexure-5 judgment. It is in the light of these aspects that the prayer for

Crl.M.C.No.5522 Of 2014

quashment of the impugned criminal proceedings has been made in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that there are no proper witness to the incident the learned Assistant Public Prosecutor had given up all the remaining witnesses. From a reading of Annexure-5 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 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.

3. In this view of the matter, it is ordered in the interest of justice that the impugned Annexure-3 Final Report/Charge Sheet filed in Crime No.27/2010 of Perumbadappu Police Station which is now pending as L.P.No.81/2014 (arising out of re-filed C.C.No.43/2014) on the file of the Judicial First Class Magistrate

::3::

Crl.M.C.No.5522 Of 2014

Court, Ponnani pending against the petitioner and all further proceedings arising therefrom pending against the petitioner are quashed.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-