

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 5839 of 2014

**C.P.NO.152/2010 REFILED AS C.P.NO.191/2010 AND NOW PENDING AS
L.P.C.NO.95 OF 2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
HOSDURG**

CRIME NO. 412/2009 OF BEKAL POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 13, 18 :

- 1. ARIF, AGED 25 YEARS,
S/O.ABBAS, CHETTUKUNDU, P.O.KEEKKAN,
KEKKAN VILLAGE, HOSDURG TALUK, KASARAGOD.**
- 2. FAISAL K.P., AGED 31 YEARS,
S/O.ABDU P.C., MAIMOONA MANZIL, CHETTUKUNDU,
P.O.KEEKKAN, KEKKAN VILLAGE, HOSDURG TALUK,
KASARAGOD.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE AI:** TRUE COPY OF THE F.I.R IN CRIME NO.412 OF 2009 BY THE BEKAL POLICE STATION, KASARAGOD.
- ANNEXURE AII:** TRUE COPY OF THE FINAL REPORT IN CRIME NO.41 OF/2009 BY THE BEKAL POLICE STATION, KASARAGOD.
- ANNEXURE AIII:** CERTIFIED COPY OF THE JUDGMENT IN S.C.75 OF 2011 ON THE FILES OF ADDITIONAL DISTRICT AND SESSIONS JUDGE(ADHOC)III, KASARAGOD DATED 04-04-2012.
- ANNEXURE AIV:** CERTIFIED COPY OF THE JUDGMENT IN S.C 347 OF 2012 ON THE FILES OF ADDITIONAL DISTRICT AND SESSIONS JUDGE (ADHOC) III, KASARAGOD DATED 15-02-2013.
- ANNEXURE AV:** TRUE COPY OF THE JUDGMENT IN S.C 368 OF 2013 ON THE FILES OF ADDITIONAL DISTRICT AND SESSIONS JUDGE (ADHOC)III, KASARAGOD DATED 30-04-2014.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5839 of 2014

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Dated this the 8th day of June, 2015

ORDER

The petitioners herein are accused Nos.13 and 18 in the impugned Anx.A-II final report/charge sheet filed in Anx.A-I FIR in Crime No.412/2009 of Bekal Police Station, registered for offences under Secs.143, 147, 148, 332, 308 read with Sec.149 of I.P.C., which originally led to the institution of C.P.No.152/2010 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg. Since the petitioners herein did not appear during committal stage, the case against them has subsequently been re-numbered as L.P.C.No.95/2011 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg. On a perusal of Anxs.A-III, A-IV and A-V judgments, It can be seen that 14 out of 18 accused in the above crime have been acquitted. The petitioners have filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal proceedings pending against them on the ground that the substratum of the prosecution case has been shattered by the acquittal of the said co-

accused persons as per Anxs.A-III, A-IV and A-V judgments.

2. Heard Sri.A.Arunkumar, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anxs.A-III, A-IV and A-V judgments, 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. From a mere reading of Anxs.A-III, A-IV and A-V judgments, it is crystal clear that the substratum of the prosecution case 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 petitioners herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A-II final report/charge sheet filed in Anx. AI FIR in Crime No.412/2009 of Bekal Police Station, which is now pending as C.P.No.95/2011 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

sdk+ Sd/-
ALEXANDER THOMAS, JUDGE
///True copy///

P.S. to Judge