

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Cr1.MC.No. 7236 of 2015 ()

SC 902/2014 of ADDITIONAL DISTRICT JUDGE (SPL. JUDGE (NDPS ACT
CASES), VADAKARA

CRIME NO. 147/2003 OF NADAPURAM POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED NO.2 :

GAFOOR, AGED 39 YEARS,
S/O.AMMAD, MULLANKATTIL HOUSE, P.O KALLACHI,
IYYAMKODE, VISHNUMANGALAM, VATAKARA TALUK.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/2/12/15

Crl.MC.No. 7236 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1. COPY OF THE FINAL REPORT IN CRIME 147/03 OF
NADAPURAM POLICE STATION.

ANNEXURE 2. COPY OF THE JUDGMENT IN SC 1027/2006 ON THE FILE
ADDITIONAL DISTRICT JUDGE.

ANNEXURE 3. COPY OF THE ORDER IN CRL.M.C. 2801/2012.

RESPONDENTS' ANNEXURE :

NIL

// True Copy //

P.A. To Judge

DSV/2/12/15

B. KEMAL PASHA, J.

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CRL.M.C. No.7236 of 2015
.....

Dated this the 1st day of December, 2015

ORDER

Petitioner is the 2nd accused in Crime No.147/2003 of the Nadapuram Police Station, which was pending as S.C.No.1027/2006. As the petitioner was absconding, the case against him was split up and re-filed, and it is presently pending as S.C.No.902/2014 before the Additional District and Sessions Court (Special Court for NDPS Act cases) Vatakara.

2. A3 in the crime was also absconding. All the other accused in the case were acquitted by the court below through Annexure 2 'judgment' of acquittal under Section 232 Cr.P.C. Annexure 2, even though passed in the form of a judgment, shows that it was a case wherein there was no

evidence that the accused had committed the offences alleged against them, and therefore it can only be treated as an order of acquittal.

3. Subsequently, A3 had approached this Court through CrI.M.C. 2801/2012 for getting the proceedings against him quashed. Through Annexure 3 order, this Court has quashed the proceedings against the 3rd accused. On going through Annexures 2 and 3, this Court is satisfied that no fruitful purpose would be served in proceeding with the trial in the case before the court below. Matters being so, all further proceedings in S.C.No.902/2014 on the file of the Additional District and Sessions Court(Special Court for NDPS Act Cases) Vatakara, as against the petitioner, based on Annexure I Final Report in Crime No.147/2003 of the Nadapuram Police Station, can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in S.C.No.902/2014 on the file of the Additional District and Sessions Court(Special Court for NDPS Act

Cases) Vatakara, as against the petitioner based on Annexure I Final Report in Crime No.147/2003 of the Nadapuram Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge