

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Crl.MC.No. 6170 of 2014

S.C.NO.225/2014 OF PRINCIPAL SESSIONS COURT, KOLLAM

CRIME NO. 451/2007 OF CHATHANNOOR POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED :

**ANSARI,
S/O.JALALUDHEEN, IDAILA VEEDU,
NEDUMBANA CHERRY.**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: CERTIFIED COPY OF THE F.I.R. IN CRIME NO.451/2007.**
- ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO. 451/2007.**
- ANNEXURE A3: CERTIFIED COPY OF THE JUDGMENT S.C. 688/09 ON
THE FILE OF THE PRINCIPAL SESSIONS COURT, KOLLAM.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

=====

Crl.M.C No.6170 of 2014

=====

Dated this the 26th day of June, 2015

O R D E R

The petitioner herein is original first accused in Crime No. 451 of 2007 of Chathannoor Police Station, for offences registered under Secs.143,147, 451, 323, 506(ii) r/w 149 of the I.P.C. and 3(1) of the SC/ST Prevention of Atrocities Act. Original accused Nos. 2 to 4 and 6 faced trial. The case against the petitioner herein has subsequently been re-numbered as S.C.No.225/2014 on the file of the Sessions Court, Kollam. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. A-3 judgment that there is no evidence to connect the said co-accused persons 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. A-3 judgment.

2. Heard Sri.V.S Salim, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx. A-3 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. A-3 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-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No.451 of 2007 of Chathannoor Police Station, which has led to the pendency of S.C.No.225/2014 on the

file of the Sessions Court, Kollam, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE