



2025:KER:18580

CRL.MC NO. 1350 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 27TH DAY OF FEBRUARY 2025 / 8TH PHALGUNA, 1946

CRL.MC NO. 1350 OF 2025

CRIME NO.1457/2011 OF KANNUR TOWN POLICE STATION, KANNUR

AGAINST THE ORDER/JUDGMENT IN SC NO.370 OF 2019 OF ASSISTANT
SESSIONS COURT/SUB COURT/COMMERCIAL COURT, KANNUR

PETITIONERS:

- 1 M SHAJAR
 AGED 38 YEARS
 S/O MUHAMMED KUNJI, PURAKKUNNU,
 MATHAMANGALAMP.O., KANNUR DISTRICT,
 PIN - 670306
- 2 ARUNPREM.P.M
 AGED 35 YEARS
 S/O RAGHAVAN, KODAKKAL HOUSE,
 CHERUPUZHA P.O, KANNUR DISTRICT,
 PIN - 670511
- 3 PRAVEESH K
 AGED 33 YEARS
 S/O PRADEEPAN, KOYYON HOUSE, AROLI,
 PAPPINISSERY P.O, KANNUR DISTRICT,
 PIN - 670561
- 4 SARIN SASI
 AGED 38 YEARS
 S/O SASI, PADIYAN HOUSE, VELLOOR,
 PAYYANNUR P.O, KANNUR DISTRICT,
 PIN - 670307
- 5 VIJESH C
 AGED 33 YEARS



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S/O KANNAN, CHERUVAKKAM HOUSE,
KANNAPURAM P.O, KANNUR DISTRICT,
PIN - 670301

BY ADVS.
RAMEES P.K.
ADITHYA VARMA S.

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

BY SRI. RENJITH GEORGE, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER****Dated this the 27th day of February, 2025**

Petitioners are the accused in S.C No. 370 of 2019 on the files of the Assistant Sessions Court, Kannur. The case originated from Crime No.1457 of 2011 registered at the Kannur Town Police Station for offences punishable under Sections 143, 147, 148, 308, 440, 447 and 149 of the Indian Penal Code and Section 3(1) of the PDPP Act.

2. After committal, the case was numbered as S.C No.210 of 2013 on the files of the Assistant Sessions Court, Kannur. Some of the accused faced trial in that case and were acquitted as per Annexure 2 judgment. The other accused, including the petitioners, did not participate in the trial and the case against them was split up and refiled as S.C No.1143 of 2017. Thereafter, few of the accused faced trial in S.C No.1143 of 2017 and were acquitted as per Annexure 4 judgment. Likewise, one among the accused faced trial separately and was acquitted as per Annexure 5 judgment. As the



petitioners and few others did not participate in the trial, case against them was split up and refiled as S.C No.370 of 2019. A few among the remaining accused approached this Court, praying to quash the proceedings against them on the strength of the judgments of acquittal rendered in the case of their co-accused. Those Criminal Miscellaneous Cases were allowed by Annexures 3 and 6 orders. The petitioners are seeking to get the proceedings against them quashed on the strength of Annexures 2, 4 and 5 judgments of the trial court and Annexures 3 and 6 orders of the High Court.

3. Heard, learned Counsel for the petitioners and the learned Public Prosecutor.

4. A perusal of Annexures 2, 4 and 5 judgments of the trial court as well as Annexures 3 and 6 orders of this Court leaves no room for doubt that the substratum of the prosecution case is shattered by reason of the prosecution's failure to let in evidence to substantiate the charges levelled against the accused. In Annexures 3 and 6 orders, this Court came to the definite



conclusion that continuation of the prosecution against the petitioners therein will be an abuse of process of court. Having carefully scrutinised Annexures 2, 4 and 5 judgments, I am also of the same opinion.

In the result, the Criminal Miscellaneous Case is allowed. Annexure 1 final report in Crime No.1457 of 2011 of Kannur Town Police Station and all further proceedings in S.C No.370 of 2019 on the files of the Assistant Sessions Court, Kannur, as against the petitioners, are quashed.

Sd/-

**V.G.ARUN
JUDGE**

SPV



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APPENDIX OF CRL.MC 1350/2025

PETITIONERS' ANNEXURES

- ANNEXURE 1** **A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 1457/2011 OF KANNUR TOWN POLICE STATION, KANNUR DISTRICT**
- ANNEXURE 2** **A TRUE COPY OF JUDGEMENT OF THE ASSISTANT SESSIONS JUDGE, KANNUR IN SC 210/2013 DATED 29/11/2017**
- ANNEXURE 3** **A TRUE COPY OF THE ORDER DATED 13/01/2020 IN CRL.M.C. NO. 7004/2019**
- ANNEXURE 4** **A TRUE COPY OF THE ASSISTANT SESSIONS JUDGE, KANNUR IN SC 1143/2017 DATED 18/01/2021**
- ANNEXURE 5** **A TRUE COPY OF THE ASSISTANT SESSIONS JUDGE, KANNUR IN SC 90/2021 DATED 23/03/2021**
- ANNEXURE 6** **A TRUE COPY OF THE ORDER DATED 25/07/2022 IN CRL.M.C. NO. 4470/2022**

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE