

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

CCC.No. 1328 of 2002 (S)

AGAINST THE JUDGMENT IN OP 10186/2002 DATED 30-09-2002

PETITIONER(S)/PETITIONER IN THE O.P. :-

P.K.OMANAKUTTAN NAIR, AGED 49 YEARS,
SON OF P.G.KRISHNAN NAIR, RESIDING IN TC 36/613
PERUNTHANNI, THIRUVANANTHAPURAM.

BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
SRI.VPK.PANICKER

RESPONDENT(S)/RESPONDENTS 1 & 2 IN OP 10186/2002. :-

1. SRI.N.CHANDRASEKHARAN NAIR,
AGED ABOUT 58 YEARS, SON OF SRI.NEELAKANTAN NAIR N
CHIEF SECRETARY, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. SRI.V.RAMKUMAR, AGED ABOUT 47 YEARS,
SON OF V.M.K.MENON, LAW SECRETARY
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

THIS CONTEMPT OF COURT CASE HAVING BEEN FINALLY HEARD ON
10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jVT

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

Cont. Case (C) No.1328 of 2002

Dated this the 10th day of July 2015

J U D G M E N T

Shaffique, J

This contempt case has been filed alleging non-compliance of the directions issued by this Court in the judgment dated 30.9.2002 in O.P.No.10186 of 2002. A Special Leave Petition has been filed by State of Kerala, which was later numbered as Civil Appeal Nos.6931-6935 of 2003. The contempt proceedings were stayed as per order of the Supreme Court dated 13.12.2002 in the Special Leave Petition. By order dated 26.4.2012, the civil appeals stands dismissed.

2. Having gone through the judgment of the Division Bench and the averments in the contempt case, we are of the view that presently, the contempt proceedings may not survive on account of the fact that a general direction had been issued by this Court to follow the procedure prescribed under Sec.24(4) of the Code of Criminal Procedure for appointment of the Public Prosecutors as held by the Supreme Court in **Harpal Singh Chauhan v. State of U.P.** [AIR 1993 SC 2436].

Cont. Case (C) No.1328 of 2002

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3. Having regard to the fact that the issue projected in the contempt case has already expired at this point of time, we do not find any necessity to proceed with the contempt case.

Accordingly, this contempt case is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt