

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Crl.MC.No. 3099 of 2015

**AGAINST THE C.C.NO.3/2015 OF ENQUIRY COMMISSIONER & SPECIAL COURT,
KOZHIKODE IN V.C/4/07/KNR REGISTERED BY THE VIGILANCE AND ANTI
CORRUPTIONS BUREAU, KANNUR.**

PETITIONER(S)/ACCUSED :

**KALLINKEEL PADBHANABAN, S/O.KUNHIKANNAN,
PRESIDENT TALIPARAMBA SERVICE CO-OPERATIVE BANK LTD.,
TALIPARAMBA P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.C.A.JOSEPH
SRI.K.K.MOIDEEN**

RESPONDENT(S)/COMPLAINANT :

**1. DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTIONS BUREAU, KANNUR,
KANNUR DISTRICT- 670 141.**

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

BY PUBLIC PROSECUTOR SRI.DHANEDH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: TRUE COPY OF CHARGE SHEET IN C.C.NO.3/2015.

ANNEXURE A2. TRUE COPY OF FIR IN CRIME NO.V.C/4/07/KNR.

ANNEXURE A3: TRUE COPY OF THE COMPLAINT IN C.C.NO.427/2012.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.3099 of 2015

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Dated this the 23rd day of July, 2015

O R D E R

The prayers in this Crl.M.C are as follows:

“i) To quash the C.C No.3/2015 pending before the Court of the Enquiry Commissioner and Special Judge, Kozhikode and all other further proceedings there to as it is vitiated by the law.

ii) To grant such other relief that are warranted under the law and the Honourable Court may deem fit and proper in the interest of justice.”

2. Sri. C.A Joseph, the learned counsel for the petitioner submits that the petitioner is not pressing this Crl.M.C with liberty to approach the competent court concerned seeking the remedy of discharge and it is also prayed consequent directions may be issued by this Court to grant personal exemption to the petitioner till the consideration of such discharge application. Accordingly, this Crl.M.C is closed as not pressed with liberty to the petitioner to approach the competent court concerned, seeking the remedy of discharge, provided the stage for invocation of such remedy is not yet over. If such an application for discharge is filed by the petitioner before the court below, then the court below shall consider the same and take appropriate decision in accordance with law, provided the stage for seeking the remedy of discharge is not yet over and that then it will be open to the petitioner to file an appropriate application

through his counsel seeking personal exemption of his appearance until orders are passed on such discharge application as directed above and the court below will consider the same and take an appropriate decision thereon.

With these observations and directions, the Crl.M.C stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE