

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Crl.MC.No. 5010 of 2014 ()

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AGAINST THE ORDER IN CRL.M.P.NO.124/2014 IN CC 103/2008 TO 109/2008 ON THE
FILE of ENQUIRY COMMR.& SPL.JUDGE(VIGILANCE),THRISSUR DATED 27.01.2014
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PETITIONER(S)/ACCUSED :

**PARAMESWARAN NAMBEESAN, AGED 43 YEARS,
S/O.P.PARAMESWARAN NAMBEESAN, 'DEVI NIVAS'
KARUVAMBRAM WEST, AMBALAPPADI, MANJERI
PALAKKAL HOUSE, VYDYARANGADI P.O., IDIMOOZHICKAL
MALAPPURAM.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION BUREAU,
MALAPPURAM DISTRICT DISTRICT-671312.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

BY ADV.SAREENA GEORGE, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

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APPENDIX

PETITIONER(S)' EXHIBITS :

ANNEXURE A: COPY OF THE CHARGE A FILED BY THE R1 DT.NIL.

ANNEXURE B: COPY OF THE CHARGE B FILED BY THE R1 DT.NIL.

ANNEXURE C: COPY OF THE CHARGE C FILED BY THE R1 DT.NIL.

ANNEXURE D: COPY OF THE CHARGE D FILED BY THE R1 DT.NIL.

ANNEXURE E: COPY OF THE CHARGE E FILED BY THE R1 DT.NIL.

ANNEXURE F: COPY OF THE CHARGE F FILED BY THE R1 DT.NIL.

ANNEXURE G: COPY OF THE CHARGE G FILED BY THE R1 DT.NIL.

**ANNEXURE H: COPY OF THE PETITION DT.27-1-2014 FILED BY THE
PETITIONER WHICH IS NUMBERED AS CRMP 124/2014 IN
CC 103/2008 TO 109/2008**

**ANNEXURE I: COPY OF THE ORDER DATED 27.01.2014 IN CRL.M.P
NO.124/2014 IN C.C.NO.103/2008 TO 109/2008 ON THE FILE OF
THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE
(VIGILANCE), THRISSUR.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

B.KEMAL PASHA, J.

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Crl.M.C. No. 5010 of 2014

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Dated this the 9th day of December, 2015

O R D E R

There are seven cases charge sheeted against the petitioner before the court below for identical offences. The petitioner has mistakenly filed an application under Section 223 Cr.P.C, seeking joint trial of all those seven cases. It seems that the court below has allowed the said application through Annexure-I order. The petitioner himself challenges the said order.

2. In fact, the petitioner ought to have filed the application under Section 219 Cr.P.C., that too, for the joint trial of three offences of the same kind occurred within a year. Now, the petitioner wants to get Annexure-I order, set aside. Per se, the impugned order is illegal. Matters being so, this Crl.M.C is only to be allowed.

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In the result, this Crl.M.C is allowed and Annexure-I order passed by the court below is quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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