

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

CrI.MC.No. 6402 of 2013 ()

**CRIME 6/2013 OF VACB, KOZHIKODE PENDING ON THE FILE OF ENQUIRY
COMMISSIONER AND SPECIAL JUDGE, KOZHIKODE**

PETITIONER/ACCUSED NO.2 :

**GEORGE VALLAKKALI, AGED 57 YEARS,
S/O.JOHN JACOB, FORMER SECRETARY,
KOZHIKODE CORPORATION
NOW RESIDING AT VALLAKKALIL HOUSE,
CHETTICHIRA, VYTTILA P.O., PIN 682019.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT :

- 1. K P VIJAYAKUMAR, AGED 55 YEARS,
S/O. ACHUTHAN NAIR, KAVILPUTHIYAVEETIL,
KIZHAKKE NADAKKAVU P.O., KOZHIKODE, PIN 673006.**
- 2. STATE OF KERALA
REPRESENTED BY THE DY.S.P.VACB, KOZHIKODE,
(CRIME 6/2013) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADVS. SRI.R.SUDHISH
SMT.M.MANJU**

R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 6402 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: A CERTIFIED COPY OF THE FIR IN CRIME 6/2013 OF VACB,
KOZHIKODE PENDING ON THE FILE OF ENQUIRY
COMMISSIONER AND SPECIAL JUDGE, KOZHIKODE.**

**ANNEXURE-II: COPY OF THE COMPLAINANT FILED BY R1 BEFORE ENQUIRY
COMMISSIONER AND SPECIAL JUDGE, KOZHIKODE.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
CRL. M.C. No. 6402 of 2013
.....

Dated this the 21st day of December, 2015

ORDER

Heard learned counsel for the petitioner, learned counsel for the first respondent and the learned Public Prosecutor.

2. Petitioner is the 2nd accused in Crime No.6/2013 of the Vigilance And Anti-corruption Bureau, Kozhikode, registered for the offences punishable under Section 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Section 120B of the Indian Penal Code. Annexure-I is the FIR. The same is sought to be quashed on the ground that no prior sanction for the registration of the crime was obtained as per the decision held in ***Anil Kumar v. Aiyappa*** [2013 (4) KLT 125 (SC)].

3. It seems that the parties have lost sight of the

decision of the Constitution Bench reported in ***Nand Ram Agarwala v. H.C. Bhari and others*** [AIR 1956 SC 44(1)]. In an identical situation while dealing with sanction under Section 197 Cr.P.C., the Constitution Bench of the Apex Court had held that any such sanction is not required for the registration of the crime; whereas the sanction is required only for taking cognizance of the offences. The same is squarely applicable to the facts and circumstances of the present case also. What is required under Section 19 of the P.C. Act is only for taking cognizance of the offence and not for the registration of the crime. Matters being so, Annexure-I is not liable to be interfered with. Hence, this Crl.M.C. is devoid of merits and is only to be dismissed, and I do so.

In the result, this Crl.M.C. is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge