

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WA.No. 1802 of 2014 IN WP(C).24815/2013

AGAINST THE JUDGMENT IN WP(C) 24815/2013 DATED 30-07-2014

APPELLANT/3RD RESPONDENT :

R.SIVAKUMAR
SUB INSPECTOR OF POLICE, CANTONMENT POLICE STATION
THIRUVANANTHAPURAM
(FORMERLY WORKING AS SUB INSPECTOR OF POLICE
THAMPANOOR POLICE STATION, THIRUVANANTHAPURAM).

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

RESPONDENT/PETITIONER & RESPONDENTS 1 & 2 :

1. JUDE SAJITH D CRUZ
S/O.ANTONY D'CRUZ, RESIDING AT T.C. 44/583, CANAL ROAD
VALIYATHURA, VALLAKKADAVU P.O.
THIRUVANANTHAPURAM - 695 008
2. STATE OF KERALA
REPRESENTED BY THE HOME SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
3. THE DIRECTOR GENERAL OF POLICE
KERALA POLICE HEADQUARTERS
THIRUVANANTHAPURAM - 695 010.

R1 BY ADV. SRI.SUMAN CHAKRAVARTHY
R2 & R3 BY SR.GOVERNMENT PLEADER, SRI. P.I. DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS:

ANNEXURE I : TRUE COPY OF THE WOUND CERTIFICATE OF THE 1ST RESPONDENT
DATED 03.02.2012 (ALONG WITH ENGLISH TRANSLATION).

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.A. No. 1802 OF 2014

Dated this the 16th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

This appeal has been filed against the judgment dated 30.07.2014 in W.P.(C) No.24815 of 2013.

2. The writ petition was filed by the 1st respondent challenging Ext.P9 order by which sanction to prosecute respondents 3 to 7 was denied. When the matter was taken up before the learned Single Judge the petitioner submitted that in view of the judgment of this Court reported in **Harikumar v. Suresh** [2014 (2) KLT 1028], the petitioner does not require any permission for prosecuting respondents 3 to 7. Recording the said statement, the learned Single Judge closed the Writ Petition. By the impugned judgment, the learned Single Judge did not adjudicate any issue or render any finding as to whether sanction is required or not. On the submission made by the petitioner, the writ petition was closed.

We do not find any error in the judgment warranting interference of this Court by exercising the appellate

jurisdiction. Learned counsel for the appellant submits that sanction is required for prosecution. It is not necessary for us to enter into the issue or render any finding. It is open for the appellant to adjudicate such claim as permissible under law.

The Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**