

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 9989 of 2015 (W)

PETITIONER(S):

**SUJITH KUMAR.V,
S/O.VIJAYAN V., NADUVILAKKANDY PARAMBA, KONATT P.O.,
KOZHIKODE-673 571.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
OFFICE OF THE HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUB INSPECTOR OF POLICE ,
CHEVAYUR POLICE STATION, KOZHIKODE-673 017.**
- 3. THE DIRECTOR GENERAL OF PROSECUTION,
OFFICE OF THE DIRECTOR GENERAL OF PROSECUTION,
ERNAKULAM-682 031.**
- 4. THE DISTRICT COLLECTOR,
KOZHIKODE-673 001.**
- 5. THE DISTRICT POLICE CHIEF,
KOZHIKODE-673 001.**
- 6. THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HOME(C)DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 7. SHIJEESH,
S/O. PARAPPURATH RAJAN, PUNATHIL,
NEAR NORTH POLOOR ALP SCHOOL, KONATT P.O.,
KOZHIKODE-673 571.**

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**8. EAKANATH,
S/O. LATE PARAPPURATH BHARATHAN, PUNATHIL,
NEAR NORTH POLOOR LP SCHOOL, KONATT P.O.,
KOZHIKODE-573 571.**

**R1 TO R6 BY SRI.ASAF ALI, DIRECTOR GENERAL OF PROSECUTION
R7 & R8 BY ADV. SRI.T.G.RAJENDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, ALONG WITH CRL.M.C.NO.7152 OF 2014, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 :** TRUE COPY OF APPLICATION DATED 25.06.2014 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT OF KERALA FOR APPOINTMENT OF SPECIAL PUBLIC PROSECUTOR UNDER SECTION 24 OF THE CODE OF CRIMINAL PROCEDURE.
- P2 :** TRUE COPY OF LETTER DATED 04.07.2014 ISSUED BY THE 6TH RESPONDENT TO THE RESPONDENTS 3 TO 5.
- P3 :** TRUE COPY OF LETTER DATED 23.07.2014 ISSUED BY THE 4TH RESPONDENT DISTRICT COLLECTOR TO ADV.RAZAL RAHMAN.
- P4 :** TRUE COPY OF CONSENT LETTER OF ADV.RAZAL RAHIMAN DATED 08.08.2014 TO THE DISTRICT COLLECTOR.
- P5 :** TRUE COPY OF THE APPLICATION DATED 04.11.2014 FILED BY THE PETITIONER IN S.C.NO.396/2014 ON THE FILES OF THIRD ADDITIONAL ASSISTANT SESSIONS COURT, KOZHIKODE.
- P6 :** TRUE COPY OF SUMMONS TO THE PETITIONER ISSUED BY THE THIRD ADDITIONAL ASSISTANT SESSIONS COURT, KOZHIKODE IN S.C.NO.396/2013.
- P7 :** TRUE COPY OF TRANSFER PETITION CMP NO.754 OF 2015 ON THE FILES OF THE SESSIONS COURT, KOZHIKODE.
- P8 :** A TRUE COPY OF THE STAY PETITION CMP NO.755 OF 2015 IN CMP NO.754 OF 2015 ON THE FILES OF THE SESSIONS COURT, KOZHIKODE.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE

Msd.

ALEXANDER THOMAS, J.

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W.P.(C).No.9989/2015 and CrI.M.C.No.7152/2014

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Dated this the 4th day of June, 2015

J U D G M E N T

Heard Sri.K.M.Firoz, learned counsel for the petitioner, Sri.T.S.Asaf Ali, learned Director General of Prosecution and State Prosecutor instructed by Sri.C.Rasheed, learned Senior Government Pleader appearing for the respondent State of Kerala and Sri.T.G.Rajenderan, learned Advocate instructed by Smt.Ann Susan George, learned counsel appearing for the contesting respondent No.9 in the CrI.M.C. and contesting respondent Nos.7 and 8 in the W.P.(C).

2. The prayer in this case is for a direction to the respondent Government of Kerala to appoint a special public prosecutor in the conduct of the trial in S.C.No.396/2013 on the file of the additional Assistant Sessions Court, Kozhikode. Today when the matter was taken up for consideration, Sri.T.S.Asaf Ali, learned Director General of Prosecution of and State Prosecutor instructed by Sri.C.Rasheed, learned Senior Government Pleader appearing for the respondent State of Kerala submitted, on instructions, from the

Government of Kerala that the respondent State Government is of the considered opinion that that the appointment of special prosecutor in the conduct of the trial of this case is not necessary as no public interest is involved and there are no exceptional circumstances for such appointment and further that the State Government will issue a formal communication in this regard to the petitioner rejecting the request of the petitioner in Anx.A-1 application. Sri.K.M.Firoz, learned counsel appearing for the petitioner submits that the petitioner may be given leave to challenge any such communication issued by the respondent Government rejecting the petitioner's request.

3. In view of the above said submission, these matters are closed recording the submissions made on behalf of the Government of Kerala and making it clear that it will be open to the petitioner to work out his remedies in accordance with law. It is also made clear that these matters are closed without prejudice to any of the contentions of any of the parties.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

W.P.C.9989/15 &cc

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