

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOMAS P.JOSEPH

MONDAY, THE 31ST JANUARY 2011 / 11TH MAGHA 1932

OP(Crl.).No. 259 of 2011(Q)

SC.637/2006 of ADDITIONAL SESSIONS COURT(ADHOC)III, KOLLAM
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PETITIONER

**RAMADAS,S/O.MANIKANTAN PILLAI
LAKSHMIBHAVAN, NEAR ALUMOODU,
THEKKUMKARA CHERRY, MAYYANADU VILLAGE,
KOLLAM DISTRICT**

BY ADV. SRI.C.RAJENDRAN

RESPONDENT(S):

- 1. THE STATE OF KERALA
REP.BY THE SECRETARY TO HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE SUB INSPECTOR OF POLICE
KOTTIYAM POLICE STATION, KOLLAM DISTRICT - 691 001.**

BY PUBLIC PROSECUTOR SRI.SABU SREEDHARAN

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 31/01/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

SVS

THOMAS P JOSEPH, J.

O.P(Crl).No.259 of 2011

Dated this 31st day of January, 2011

JUDGMENT

This petition is filed by one of the injured for a direction to respondent No.1 to make necessary arrangement to adjourn the case pending consideration of Ext-P3, representation for appointment of a Special Public Prosecutor to conduct prosecution. Case is chargesheeted for offences punishable under Secs.143, 147, 148, 341, 326 and 307 r/w Sec.34 of the Penal Code and is pending before learned Additional Sessions Judge (Adhoc), Kollam. Grievance of petitioner is that the Public Prosecutor appointed in that court will not conduct the case in the proper manner and hence petitioner submitted Ext-P3, representation to the Home Minister, Kerala to appoint a Special Public Prosecutor from the advocates named in that representation.

2. Learned Public Prosecutor has pointed out that Ext-P3, representation is dated 17.01.2011 and this petition is filed on 18.01.2011 complaining of inaction. The information that the learned Public Prosecutor was able to collect from the appropriate authority is that no such representation has reached

the office of the Home Minister.

3. I have heard learned counsel for petitioner and the learned Public Prosecutor. Having regard to the circumstances stated I do not consider that it is necessary for this court to appoint a Special Public Prosecutor. If necessary, it is open to the petitioner or any of the injured to engage a Pleader as provided under Sec.301 of the Code of Criminal Procedure (for short, "the Code"). Such a course would be sufficient to protect the interest of petitioner and other injured on the face of the allegation that they have made. In the light of what I have stated, this criminal miscellaneous case is closed without prejudice to the right of petitioner or other injured to engage a Pleader as provided under Sec.301 of the Code.

(THOMAS P JOSEPH, JUDGE)

Sbna/-