

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 31ST DAY OF MAY 2018 / 10TH JYAISHTA, 1940

Crl.MC.No. 875 of 2018

CC 309/2016 of COURT OF ENQUIRY COMMNR. & SPL.
JUDGE, EKM AT MUVATTUPUZHA

CRIME NO. 4/2009 OF VACB, ERNAKULAM , ERNAKULAM

PETITIONER(S)/ACCUSED

P.M. MOHAMMEDALI, AGED 61 YEARS
S/O.M.K.ASSANKOYA,C-30, SOJAVEEDU,
CIVIL STATION.P.O., KOZHIKODE-673 020.

BY ADVS.SRI.K.RAMACHANDRAN
SRI.M.R.NANDAKUMAR

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031

BY SPL. PUBLIC PROSECUTOR, VACB, SHRI A RAJESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-05-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A : TRUE COPY OF THE FINAL REPORT NO.4/2009/CRE
DATED 02/02/2009 OF VACB, C/R, ERNAKULAM.

ANNEXURE B : TRUE COPY OF THE NOTES & ORDER OF THE CHAIRMAN,
GCDA DT.12.7.2009.

ANNEXURE C : TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT
IN OP 6091/03 DT.24.2.2003

ANNEXURE D : TRUE COPY OF THE GOVERNMENT LETTER NO.10839/G2/03/LSG
26.3.2003.

RESPONDENTS EXHIBITS : NIL

B.SUDHEENDRA KUMAR, J.

Crl.M.C. No.875 of 2018

Dated this the 31st day of May 2018

ORDER

The petitioner is the accused in C.C.No.309 of 2016 on the files of the Special Court, Muvattupuzha. The offence alleged is the offence under Section 13(1)(d) read with Section 15 of the Prevention of Corruption Act.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. I also perused the documents produced by the petitioner in support of the Crl.M.C. Along with the final report, the prosecution produced so many documents including the statement of witnesses. Having gone

through the relevant inputs, in the light of the argument of the learned counsel for the petitioner, I am of the view that it is only just and proper for the court below to consider the prayer of the petitioner for discharge under Section 239 Cr.P.C., as all the materials are available before the court below.

In view of the above reason, I am not inclined to entertain this Crl.M.C.

However, I make it clear that if the petitioner files application under Section 239 Cr.P.C. before the court below pleading for discharge, the court below shall consider all contentions of the petitioner in accordance with law.

The petitioner shall be granted exemption from personal appearance before the court below, on all posting

dates, except when his personal appearance is necessary for the progress of the case, if the petitioner files application in this regard before the court below, after his appearance in person before the court within 30 days from today.

In the result, this Crl.M.C. stands disposed of as above.

Sd/ B.SUDHEENDRA KUMAR, JUDGE

dl/31.5.18