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Sunilkumar K.S vs State of Kerala

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Court : Kerala Orders

Decided On : May-30-2024

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/451/2024

Appellant : Sunilkumar K.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. THURSDAY, THE 30TH DAY OF MAY 2024 / 9TH JYAISHTA, 1946 PETITIONERS: 1 SUNILKUMAR K.S, AGED 50 YEARS, S/O KESAVAN PILLAI, RESIDING AT HARISREE EAROM, THADIKKADU, ANCHAL, KOLLAM, KERALA, PIN - 691 306. 2 BEENA KRISHNAN, AGED 46 YEARS, W/O SUNILKUMAR K.S, RESIDING AT HARISREEEAROM, THADIKKADU, ANCHAL, KOLLAM, KERALA, PIN - 691 306. 3 PRASANNAKUMARI, AGED 60 YEARS, W/O R. UNNIKRISHNAN, RESIDING AT J.A VIHAR, KOTTUKAD, ANCHAL, KOLLAM, KERALA, PIN - 691306 4 RADHA KUMARY A, AGED 57 YEARS, D/O APPUKUTTAN PILLAI, RESIDING AT VAISAKHAM,

ASURAMANGALAM, EDAMULACKAL, ANCHAL, KOLLAM, KERALA, PIN - 691 306.

5 P.P JOHN, AGED 90 YEARS, S/O K.O PAPPY, RESIDING AT PERAPPUKALAYIL HOUSE, 6 SHEEJA JOHN, AGED 45 YEARS, D/O K.M GEORGE, RESIDING AT PERAPPUKEDAYIL HOUSE, 7 MANJU THOMAS, AGED 65 YEARS, D/O THOMAS, RESIDING AT PERAPPUKEDAYIL HOUSE,

8 BINDU BINNY, AGED 50 YEARS, D/O JOHN CHERIAN, RESIDING AT KODUVATHRAYIL HOUSE, URUKUNNU, THENMALA, KOLLAM, KERALA, PIN - 691 307. 9 GRACE JACOB, AGED 56 YEARS, D/O C. JOHN, RESIDING AT THAYYILVEEDUANCHAL, ALAYAMON, KOLLAM, KERALA, PIN - 691 306. 10 BABY K, AGED 71 YEARS, S/O KUNCHANDY (LATE), RESIDING AT BIBIN COTTAGE, MANNOOR, CHANNAPETTA, ANCHAL, KOLLAM, KERALA, PIN - 691 311. 11 SHARMA BABY, AGED 73 YEARS, W/O BABY K, RESIDING AT BIBIN COTTAGE, MANNOOR, CHANNAPETTA, ANCHAL, KOLLAM, KERALA, PIN - 691 311. 12 KUNCHANDY AGED 67 YEARS, S/O KUNCHANDY (LATE), RESIDING AT NEETHU BHAVAN, MANNOOR, KOTTUKKAL, KOLLAM, KERALA, PIN - 691 311. 13 SUJAKUNCHANDY, AGED 59 YEARS, W/O KUNCHANDY, RESIDING AT NEETHU BHAVAN, MANNOOR, KOTTUKKAL, KOLLAM, KERALA, PIN - 691 311. BY ADVS. T.K.RAJESHKUMAR T.N.BINDU MANOJ V GEORGE ABHISHEK JIJO JOSE RHUTHWIK KRISHNA RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY SECRETARY, HOME DEPARTMENT, GROUND FLOOR, MAIN BLOCK, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001. 2 COMPETENT AUTHORITY UNDER THE BUDS ACT 2019, REPRESENTED BY THE SECRETARY TO GOVERNMENT, ROOM NO.374, MAIN BLOCK, GOVERNMENT SECRETARIAT, THIRUVANTHUPURAM, PIN - 695 001. 3 *ADDL:R3: REGISTRAR (DISTRICT JUDICIARY), HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031 *ADDL R3 IS IMPLEADED AS PER ORDER DATED

07.03.2024 IN I.A. 1/24. BY ADVS. SRI. K.R.RANJITH, SPL. GOVERNMENT PLEADER SRI. AMITH KRISHNAN H SRI. B.G.HARINDRANATH (SR.)(K/378/1984) ADV. GOWRI DEV(K/003380/2023) ADV. P.DEVIKRISHNA(k/002502/2023) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition has been filed seeking the following reliefs:- (i) Issue a Writ of Mandamus directing respondent No.1 to make the said establishment as stated in Exhibit P4 within 30 days;

(ii) Issue a writ of Mandamus against the respondents directing expeditious functioning of the special designated court in Alappuzha for conducting the trial of Popular Finance scam alone.

2. The learned Government Pleader has placed on record the

copy of Government Order namely, G.O.(Ms)No.112/2024/Home dated 16.05.2024, constituting a designated court. In the light of the issuance of the said Government Order, none of the reliefs sought for survive for consideration. The writ petition is accordingly closed, making it clear that the designated court shall start functioning without undue delay. Sd/- GOPINATH P. JUDGE DK APPENDIX OF WP(C) 451/2024 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE LETTER DATED 12/12/2022 ISSUED BY THE 2ND RESPONDENT. Exhibit P2 TRUE COPY OF LETTER DATED 25/12/2022 ISSUED BY THE 2ND RESPONDENT. Exhibit P3 TRUE COPY OF LETTER DATED 21/02/2023 ISSUED BY THE 2ND RESPONDENT REQUESTING THE REGISTRAR OF KERALA HIGH COURT TO FURNISH THE OPINION Exhibit P4 TRUE COPY OF LETTER DATED 18/04/2023 ISSUED BY REGISTRAR, HON'BLE HIGH COURT OF KERALA TO THE 1ST RESPONDENT RESPONDENT ANNEXURES ANNEXURE R1(A) TRUE COPY OF THE GOVERNMENT NOTIFICATION G.O(RT) NO.2959/2020/HOME DATED 22.12.2020.

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