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Malli vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1491426

Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : OP(Crl.)/280/2022

Appellant : MALLI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944 OP(CRL.) NO. 280 OF 2022 IN S.C.NO.265/2018 OF SPECIAL COURT FOR SC/ST (PREVENTION OF ATTROCITIES) ACT CASES, MANNARKKAD PETITIONER/MOTHER OF THE DECEASED: MALLI, AGED 68, W/O.MALLAN, CHINDAKKI, PAZHAYOORU, CHINDAKKI P O, MUKKALI, ATTAPADY, PALAKADU DISTRICT, PIN - 678582 BY ADVS. SRI.P.V.JEEVESH SRI.C.K.RADHAKRISHNAN (CHALIL) RESPONDENTS/RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM, PIN - 695001

2 THE STATE POLICE CHIEF VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA - 695010 BY ADVS. DIRECTOR GENERAL OF PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC PROSECUTOR SRI.RENJITH GEORGE, SR.PUBLIC PROSECUTOR THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June, 2022. This petition is filed under Article 227 of the Constitution of India seeking for a direction to Special Court for SC/ST Act Cases, Mannarkkad, Palakkad District to keep all proceedings in S.C.No.265/2018 in abeyance till the 1st respondent takes a decision on Ext.P3.

2. Ext.P3 is nothing but an application submitted by the

mother of the deceased before the 1st respondent seeking for appointment of a new Prosecutor in the place of the one already appointed for holding the trial on behalf of the defacto complainant.

3. Now the learned Public Prosecutor submitted that a

Government Order has been issued substituting the Special Public Prosecutor for holding the trial on behalf of the defacto complainant. In the above circumstances, the matter has become infructuous and O.P(Crl.) stands dismissed. Sd/- MARY JOSEPH JUDGE NAB APPENDIX OF OP(CRL.) 280/2022 PETITIONERS EXHIBITS: EXHIBIT P1 A TRUE COPY OF THE DEPOSITION STATEMENT OF THE PW2 EXHIBIT P2 THE TRUE COPY OF THE DIARY EXTRACT OF

SC NO. 265/2018 ON THE FILES OF THE SPECIAL COURT FOR SC/ST ACT CASES , MANNARKAD, PALAKADU DISTRICT EXHIBIT P3 THE REPRESENTATION, DATED 12/6/2022, SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT RESPONDENTS EXHIBITS: NIL //TRUE COPY// P A

TO JUDGE

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