

R.Krishnakumar vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : CrI.MC/2738/2020

Appellant : R.Krishnakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY,
THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942 CrI.MC.No.2738
OF 2020(B) AGAINST THE ORDER/JUDGMENT IN SC 568/2018 OF III
ADDITIONAL DISTRICT COURT, PALAKKAD CRIME NO.131/2018 OF
Town North Police Station , Palakkad

PETITIONER/ACCUSED: R.KRISHNAKUMAR AGED 48 YEARS
S/O.RAMU, SHYAM KRIPA VEEDU, NETHAJI NAGAR, OLAVAKKODE,
PALAKKAD. BY ADV. SRI.K.ABOOBACKER SIDHEEQUE
RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-
682 031. 2 THE SUB INSPECTOR OF POLICE, PALAKKAD TOWN

NORTH POLICE STATION, PALAKKAD-678 001. OTHER PRESENT:
PP SREEJA V THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 30.06.2020, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of June 2020 Deeply aggrieved by the order dated 20th March, 2020 in CrI.M.P. No. 1089 of 2020 in S.C. No. 568 of 2018 by the learned IIIrd Additional District and Sessions Judge, Palakkad, the petitioner has filed this petition to set aside the said order.

2. The petitioner is the sole accused in Crime No. 131 of 2018 of Palakkad Town North Police Station registered for

the offences punishable under Sections 376(2) conditions.

3. The petitioner is working as Senior Section Engineer in the Southern Railway and is presently working at Palakkad. He has applied for a transfer to Chennai to his department and after filing the transfer application he has approached the Sessions Court seeking a clarification that there

is no restriction/prohibition in obtaining a transfer. But, the learned Additional Sessions Judge dismissed the petition stating that there is no provision in the Code of Criminal Procedure which permits the court to issue such a clarification.

3. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

4. Of course, as observed by the learned Additional Sessions Judge, there is no specific provision in the Code of Criminal Procedure to issue the clarification sought for by the petitioner by the Additional Sessions Judge. Hence, this petition under Section 482 of the Code of Criminal Procedure.

5. The records indicate that that he has been granted

bail by this Court subject to certain conditions.

to appear before the Investigating Officer on every Saturday during a particular time. As the petitioner has been granted bail on executing the bond ordered by this court with solvent sureties there is absolutely no restriction imposed by the court

in pursuing with his employment. He could very well work in Palakkad or in Chennai and there is no prohibition in getting a transfer to Chennai. If the authorities find that he is eligible for a transfer, registration of the crime or pendency of the case will not stand as a bar in considering his application. But, he has to comply with the conditions imposed by the court and co-operate with the trial of the case.

With this observation, this CrI.M.C. is disposed of. Sd/- SHIRCY V. JUDGE sb
APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 A TRUE COPY OF THE FIR IN CRIME NO.131/2018 OF THE PALAKKAD TOWN NORTH POLICE STATION DATED 20.01.2018. ANNEXURE A2 A TRUE COPY OF THE ORDER DATED 07.02.2018 IN THE BAIL APPLICATION NUMBER 715/2018 OF THIS HONOURABLE COURT. ANNEXURE A3 A TRUE COPY OF THE FINAL REPORT IN CRIME NO.131/2018 OF THE PALAKKAD TOWN NORTH POLICE STATION DATED 08.06.2018. ANNEXURE A4 A TRUE COPY OF CRIMINAL MP N 1089/2020 IN

SC 568/2018 OF THE COURT OF THE THIRD ADDITIONAL DISTRICT AND SESSIONS JUDGE, PALAKAKD DATED 17.03.2020. ANNEXURE A5 A TRUE COPY OF THE ORDER DATED 20.03.2020 OF THE COURT OF THE THIRD ADDITIONAL DISTRICT AND SESSIONS JUDGE PALAKKAD IN CRIMINAL MP 1089/2020 IN SC 568/2018.

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