

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.MC.No. 4753 of 2015

**V.C. NO. 8/2007/SIU-1 OF ENQUIRY COMMISSIONER AND SPECIAL COURT,
THIRUVANANTHAPURAM.**
.....

PETITIONER/3RD ACCUSED:

**MARY VARGHESE, KOLLASSERY VEEDU,
TC 5/1265(1). SURVEY SCHOOL ROAD,
AMBALATHUMUKKU, VATTIYOORKAVU,
TRIVANDRUM.**

**BY ADVS.SRI.P.A.AHAMMED
SRI.THOUFEEK AHAMED**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION BUREAU
SPECIAL INVESTIGATION CELL, TRIVANDRUM-695 001.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A :** CERTIFIED COPY OF FINAL REPORT/CHARGE SHEET
NO.08/2015/SIU-I, IN FIR NO.8/2007/SIU OF VACB, SIU-I,
TRIVANDRUM.
- ANNEXURE B :** TRUE COPY OF ENTIRE STATEMENT FROM THE COURT.
- ANNEXURE C :** TRUE COPY OF PAGE NO.25 & 26 OF THE STATEMENT.
- ANNEXURE D :** TRUE COPY OF THE MEDICAL CERTIFICATE DATED 22.9.15
ISSUED TO THE PETITIONER FROM SREE UTHRAM TIRUNAL
ROYAL HOSPITAL, THIRUVANANTHAPURAM

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

=====

CRL.M.C. No.4753 of 2015

=====

Dated this the 1st day of October, 2015

ORDER

Petitioner is the 3rd accused in C.C.No.13 of 2015 of the Court of Enquiry Commissioner and Special Judge, Thiruvananthapuram, which has arisen from V.C.08/2007/SIU-1 for the offences punishable under Sections 13(1)(c) and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 and Sections 409, 201 and 120B IPC.

2. According to the petitioner, she has been implicated in the case with the aid of Section 120B IPC and in fact, no evidence has been collected by the investigating officer to prove the alleged conspiracy hatched for getting the sanction.

3. On hearing the learned counsel for the petitioner and on perusing the records, this Court is of the view that it is too premature at this stage to consider the involvement of the petitioner as well as the veracity of the allegation levelled

against the petitioner. At the same time, those matters can be considered by the court below at the stage of Section 239 Cr.P.C.

4. The petitioner can approach the court below with a petition under Section 239 Cr.P.C. and in such case, the court below shall consider the matter on merits and pass appropriate orders.

5. The learned counsel for the petitioner has pointed out that the petitioner is a cancer patient and further she is suffering from Diabetes, Hypertension, Coronary Artery disease and Osteoarthritis. The court below shall not insist the personal presence of the petitioner till the stage of Section 239 Cr.P.C. As far as practically possible, the court below shall grant exemption to the petitioner from personal appearance.

With the said directions, this Crl.M.C. is presently closed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/1/10/15

// True Copy // P.A. To Judge