



2025:KER:39148

WP(CRL.) NO. 480 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 4TH DAY OF JUNE 2025 / 14TH JYAISHTA, 1947

WP(CRL.) NO. 480 OF 2025

CRIME NO.202/2018 OF Mattannur Police Station, Kannur

AGAINST THE ORDER/JUDGMENT DATED IN SC NO.596 OF 2018
OF ADDITIONAL DISTRICT COURT & SESSIONS COURT - III,
THALASSERY

PETITIONERS/PETITIONERS:

- 1 C.P.MUHAMMED
AGED 61 YEARS
S/O.ASSAINAR, SCHOOL PARAMBATH HOUSE, POST
EDAYANNOOR, KANNUR DISTRICT., PIN - 670595
- 2 S.P.RASIYA
AGED 53 YEARS
W/O.C.P.MUHAMMED, SCHOOL PARAMBATH HOUSE, POST
EDAYANNOOR, KANNUR DISTRICT., PIN - 670595
- 3 RIYAS.K
AGED 47 YEARS
S/O.MOHAMMED, RIYAS MANZIL, KEEZHALLOOR AMSOM POST
EDAYANNOOR, KANNUR DISTRICT, PIN - 670595
- 4 NOUSHAD .E
AGED 47 YEARS
S/O.AVARAN KUTTY, SAHARA MANZIL, KEEZHALLUR, POST
EDAYANNUR, KANNUR DISTRICT, KERALA, PIN - 670595

BY ADVS.SRI.T.ASAFALI
SMT.LALIZA.T.Y.



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RESPONDENTS/RESPONDENTS/STATE/COMPLAINANT:

- 1 STATE OF KERALA, REP.BY ADDL.CHIEF
SECRETARY(HOME),
GOVERNMENT OF
KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001

- 2 STATION HOUSE OFFICER,
MATTANUR POLICE STATION, POST MATTANUR, KANNUR
DISTRICT., PIN - 670702

OTHER PRESENT:

C K SURESH SR PP(FOR ADGP)

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 04.06.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



P.V. KUNHIKRISHNAN, J.

W.P.(Crl.).No.480 of 2025

Dated this the 04th day of June, 2025

JUDGMENT

This writ petition is filed with following prayers:

- i. to call for the records relating to Exhibit P3 representation now pending consideration of the 1st respondent and issue and Writ of Mandamus or any other Writ or order directing the 1st Respondent to Issue appropriate orders thereon appointing Mr.K.Padmanabhan, Advocate, Hosdurg, Kasargod Dist. as Special Public Prosecutor pursuant to Ext.P3 representation and Ext.P4 consent Letter to conduct the prosecution of the case SC No.596/2018 on the file of the Court of Additional Sessions Judge No.III, Thalasserry within the time frame fixed by this Hon'ble Court;
- ii. To issue a Writ of Certiorari or any other Writ or order setting aside Ext.P5 order dated 4th April 2025 issued by the Court of Additional Sessions Judge No.III, Thalasserry.
- iii. Direct the Court of Additional Sessions Judge No.III Thalasserry to adjourn the trial of SC No.596/2018 until any order is issued by the 1st Respondent on Ext.P3 representation appointing Mr.M.Padmanabhan, Advocate, Hosdurg, Kasargod



Dist. as Special Public Prosecutor for conducting the case;

- iv. Granting such other interim relief as this Hon'ble Court may fit and proper to secure the ends of justice. *(SIC)*

2. Petitioners 1 & 2 are the parents of the deceased victim Shuhaib, who, according to the petitioners, was brutally murdered on 12.02.2018, at a place called Edayannur, Kannur District. Petitioners 3 and 4 are the victims in the above case, who sustained serious injuries. The above case is charge sheeted and now pending before the Additional Court of Sessions-Ill, Thalassery. It is conceded by both sides that one formal witness was examined in the above case. According to the petitioners, the deceased is a congress man and the accused are quotation team of CPIM, which is the ruling party in the State. Therefore the petitioners want a Special Public Prosecutor to conduct the case. The petitioners already submitted Ext.P3. The same is not considered is the grievance. Now the trial court is proceeding with the case is the further grievance. Hence this writ petition.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.



4. Admittedly the petitioners submitted Ext.P3 representation before the 1st respondent for appointment of a Special Public Prosecutor. In such circumstances, before passing orders in it, it is not proper to proceed with the trial. There can be a direction to the 1st respondent to consider that representation within a time frame and till then, the trial can be deferred.

Therefore, this writ petition is disposed of with following directions:

1. The 1st respondent is directed to consider Ext.P3, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.
2. Till final orders are passed as directed by this Court Ext.P3 by the 1st respondent, the Additional Sessions Court-III, Thalassery shall defer the trial in SC No.596/2018.

sd/-
P.V.KUNHIKRISHNAN
JUDGE



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APPENDIX OF WP(CRL.) 480/2025

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF THE POST MORTEM CERTIFICATE DATED 13-2-2018 ISSUED BY THE ASSISTANT PROFESSOR AND ASSISTANT POLICE SURGEON, DEPARTMENT OF FORENSIC MEDICINE, GOVT. MEDICAL COLLEGE, KOZHIKODE
- Exhibit P2** TRUE COPY OF THE ORDER NO.18-CAMP/2018/KR DATED 19-2-2018 ISSUED BY INSPECTOR GENERAL OF POLICE, KANNUR RANGE, KANNUR
- Exhibit P3** TRUE COPY OF THE REPRESENTATION DATED 14-3-2025 ADDRESSED TO THE 1ST RESPONDENT
- Exhibit P4** . CONSENT LETTER DATED 6-3-2025 GIVEN BY K.PADMANABHAN,ADVOCATE, HOSODURG SIGNIFYING HIS CONSENT TO ACT AS SPECIAL PUBLIC PROSECUTOR FOR CONDUCTING SC NO.596/2025[CRIME NO.202/2018 OF MATTANNUR POLICE STATION]
- Exhibit P5** TRUE COPY OF THE ORDER DATED 4.4.2025 MADE IN CRL.M.P.NO.1741/2025 IN SC NO.596/2025 [CRIME NO.202/2018 OF MATTANNUR POLICE STATION] ON THE FILE OF THE COURT OF ADDITIONAL SESSIONS JUDGE NO.III,THALASSERRY