

ITEM NO.4

COURT NO.8

SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2241-2245/2008

(From the judgement and order dated 06/11/2007 in CRLMC Nos. 5404-05 of 2003, 917/2004 & CRLMC No. 921/2004 & CRLMC No. 2282/2004 of The HIGH COURT OF KERALA AT ERNAKULAM)

B.R.SHETTY

Petitioner(s)

VERSUS

N.MUKUNDAN & ORS.

Respondent(s)

(With appln(s) for seeking permission to raise additional grounds and ad-interim ex-parte stay and office report)

Date: 26/02/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Ms. Bindu K. Nair, Adv.
Mr. S.J. Pillai, Adv. for
Mr. K.R. Sasiprabhu, Adv.

For Respondent(s) Mr. K. Rajiv, Adv. for
Mr. P.V. Dinesh, Adv.

Mr. B.V. Deepak, Adv. for
M/S. T.T.K. Deepak & Co.

UPON hearing counsel the Court made the following
ORDER

We have heard learned counsel appearing for the
parties.

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In the impugned judgment, while dismissing the petition under Section 482 of Cr.P.C., the High Court has observed that the petition is pre-mature at this stage and also suggested that the petitioner herein may file an application for discharge before the concerned court and the concerned court would decide the said application on merits untrammelled by any of the observations made in the said judgment.

In our view, no interference is called for in this petition. The Special Leave Petition is, accordingly, dismissed. However, the petitioner would be at liberty to raise all the contentions before the concerned court.

(Pardeep Kumar)
Court Master

(Neeru Bala Vij)
Court Master