

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).2276-2278/2009

(From the judgement and order dated 24/03/2009 in BA No. 539/2009, BANo. 1142/2009 & BA No. 1209/2009 of the HIGH COURT OF KERALA AT ERNAKULAM)

STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

ISMAYIL ETC. ETC.

Respondent(s)

(With appln(s) for stay and office report)

Date: 12/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. L. Nageshwar Rao, Sr. Adv.
Mr. G. Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Pratheek, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. L. Nageshwar Rao, learned senior counsel appearing for the petitioner/State of Kerala.

Dealing with the petition for bail in a case under section 302 and other ancillary sections of the penal code, a learned single judge of the Kerala High Court, even while dismissing the prayer for bail on behalf of respondents, made certain sweeping observations adverse to the State Police and the State Government. accused highly

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ire of the judge seems to be particularly aimed at the Home Minister of the State Government. The offending observations are contained in paragraph 5 of the judgment and are as follows:

"....The Police have become a fearful and dreaded force whom the common man shudders to beseech for help. The law and order in the State are in shambles and this is least felt in the corridors of power where the current sport is electioneering. Even in the case on hand, the constituency of the Home Minister had contributed a handful of hardcore criminals to execute the operation plotted by the main accused persons."

We fail to see the justification or occasion for making those observations. In the context of the case, the observations are plainly uncalled for and unwarranted. We, therefore, direct for their expunction.

The Special Leave Petition is disposed of with the above observations and directions.

(N.S.K. Kamesh)
Court Master

(R.K. Sharma)
Court Master