

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). 4559/2013

(Arising out of impugned final judgment and order dated 28/02/2013 in CRMC No. 1847/2012 passed by the High Court of Kerala at Ernakulam)

K.M. JOSEPH & ANR.

Petitioner(s)

VERSUS

FOOD INSPECTOR & ANR.

Respondent(s)

(with appln. (s) for stay and office report)

Date : 13/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. C. K. Sasi, Adv.

For Respondent(s) Mr. M. T. George, Adv.

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

A report dated 04.02.2015 has been received from the office of the Chief Judicial Magistrate, Thodupuzha in the State of Kerala, pointing out that S.T.No.183/2010 pending before that Court has been finally disposed of on 06.03.2015 convicting the accused persons in that case. In that view therefore the present special leave petition challenging order dated 28.02.2013 passed by the High Court of Kerala at Ernakulam whereby the High Court had declined to quash the proceedings in S.T.No.183/2010 has been rendered infructuous. The petitioners are free to seek appropriate relief before the appropriate Court against their conviction and the sentence awarded to them.

Learned counsel for the Petitioners argued that the observations made by the High Court in the petition under Section 482 of Cr1.P.C. should not prejudice the Appellate Court while hearing and disposing of the appeal which the petitioners may file. We make it clear that the Appellate Court before whom any appeal may be filed against the conviction and the sentence awarded to the petitioners herein shall remain uninfluenced by the observations if any made on the merits of the case.

With the above observation, this special leave petition is dismissed.

(Rajni Mukhi)
Sr. P.A.

(Shashi Sareen)
Court Master