

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Crl.)...../2000

(From the judgement and order dated 29/03/2000 in CRLMC 4788/99
of The HIGH COURT OF KERALA AT ERNAKULAM)

P.T.MAMMUKOYA

Petitioner (s)

VERSUS

STATE OF KERALA

Respondent (s)

(With Crl.M.P. No 7526/2000 for c/delay in filing SLP)
(With Office Report)

Date : 06/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. Anip Sachthey,Adv.(AC)

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Delay condoned.

The petitioner has been convicted under two different cases and in each he is sentenced to undergo rigorous imprisonment for ten years. Once his conviction in both cases has become finalised he moved the High court for an order under Sec.427 of the Code of Criminal Procedure. That petition was not allowed by the High Court

solely on the ground that he could only move the trial court for orders under that Section. That is not correct. It is open to the convicted person who is also convicted in another case and sentenced therein to move under Sec.427 irrespective of whether the conviction has been finally upheld by a superior court or not. We permit the

petitioner to move the Sessions Court Kozhikode under Sec.427 of the Code of Criminal Procedure for appropriate orders. If any such application is made we direct the Sessions Judge to pass appropriate orders untrammelled by the observations made by the High Court in criminal M.C.No. 4788/99.

With these observations this special leave petition is disposed of.

.SP1

(Suman Wadhwa)
PA to Addl.Regr.

(H.K. Bhatia)
Court Master