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SLP(Crl.)No. 5429 OF 2004
ITEM No.37+43

Court No.12

SECTION II

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.) No. 5429/2004

(From the final judgement and order dated 10/06/2004 in CRLA 803/98
of The HIGH COURT OF KERALA AT ERNAKULAM)

P.K. KRISHNANKUTTY

Petitioner (s)

VERSUS

STATE OF KERALA

Respondent (s)

(With Appln(s). for bail and exemption from filing O.T.)

With
SLP(Crl.) No. 5561/2004
(With appln. for Bail and office report)
SLP(Crl.) No.5562/2004
(With appln. for Bail and office report)

With SLP(Crl.)/2004 (Crl.M.P.11812) (With appln. for c/delay in filing SLP and office report)
(Crl.M.P.11811/2004)
with
SLP(Crl.) 5553/2004 (With appln. for bail)

Date : 19/11/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr. U.U.Lalit, Sr.Adv.
Mr. John Mathew, Adv.
Mr. Sridhar Potaraju, Adv.

Mr. M.K.S.Menon, Adv.
Mr. K. Rajeev, Adv.

Mr. E.M.S. Anam, Adv.

Mr. Romy Chacko, Adv.

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

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

Counsel for the petitioners contends before us that the witnesses examined by A-3 are inter alia PW 2, PW 3 and PW 5 who are also proceeded against in the departmental proceeding and found guilty. It appears from the material placed before us that prima facie this appears to be a case of short payment and therefore, the core question to be considered is as to who was responsible for making the short payment. Normally in such disbursements, a procedure is followed in most of the Departments of certification by the officer concerned in whose presence payment is made. We, therefore, issue notice to the State Government returnable within four weeks to produce material before us to satisfy us that the actual disbursement, which was found to be short, was made by the petitioners before us.

(SUKHBIR PAUL KAUR)
COURT MASTER

(RAMESH CHAND)
COURT MASTER