

ITEM NO.102

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 395 OF 2005

K.V.CHACKO

Appellant (s)

VERSUS

STATE OF KERALA

Respondent(s)

Date: 07/04/2010

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE J.M. PANCHAL

For Appellant(s)

Mr. Shekhar Prit Jha, Adv.

For Respondent(s)

Mr. G. Prakash, Adv.
Mr. B. Anand Pal, Adv.
Ms. Beena Prakash, Adv.

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

The appeal is dismissed in terms of the signed order.

The fees of the learned amicus Curiae is fixed at Rs. 7,000/-.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

Crl.A. 395 of 2005

2

Crl.A. 395 of 2005

3

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 395 OF 2005

K.V. CHACKO

.....

APPELLANT

VERSUS

STATE OF KERALA

.....

RESPONDENT

T

O R D E R

1. The High Court had decided several issues in this matter but had primarily declined to grant leave to the appellant on the ground that as the three sentences imposed on the appellant had not been remitted or commuted by the State Government any relief under Section 427 or 428 of the Code of Criminal Procedure would be academic at this stage. We also notice that in the three cases in which the appellant had been convicted for murder, the three special leave petitions had been filed in this Court had been dismissed in limine.

2. The learned counsel for the appellant has, however, pointed out that in the light of the specific provisions of Sections 422 and 428 of Cr.P.C., the directions of the

Crl.A. 395 of 2005

4

Sessions Judge that the sentences imposed for the three murders would run to life and in case they were remitted or commuted they would thereafter run consecutively, was not called for.

3. The learned counsel for the respondent-State has, however, pointed out that as the appeals in the criminal matters had attained finality up to this Court, it would be improper for this Court to interfere. Be that as it may, we are not inclined to grant leave to the appellant at this stage for the simple reason that no commutation or remission in the sentence has so far been ordered by the

State Government. However, in the light of the issues that have been raised by the appellant, we direct in the interest of justice, that in case the State Government passes orders in the aforesaid terms, the appellant would be at liberty to approach the High Court yet again and the High Court would consider the application de hors the impugned order and on its own merit.

4. The fees of the learned Amicus is fixed at Rs.7,000/-.

Crl.A. 395 of 2005

5

.....J
[HARJIT SINGH BEDI]

.....J
[J.M. PANCHAL]

NEW DELHI
APRIL 07, 2010.