

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Thursday, the 5<sup>th</sup> day of September 2024 / 14th Bhadra, 1946  
CRL.MC NO.6923 OF 2024

CMP 499/2023 OF ENQUIRY COMMISSIONER & SPECIAL JUDGE, KOTTAYAM / III ADDITIONAL  
DISTRICT COURT, KOTTAYAM, KOTTAYAM

PETITIONERS/ACCUSED:

SURYA SASIKUMAR, AGED 42 YEARS, W/O SASIKUMAR, SASI VIHAR, VARANAM  
P.O., CHERTHALA, ALAPPUZHA, PIN - 688555.

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVT. VIGILANCE  
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
2. THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE & ANTI-CORRUPTION  
BUREAU, ALAPPUZHA, PIN - 688001.

This Criminal Misc. case coming on for orders, upon persuing the  
petition and upon hearing the arguments of M/S.B.PRAMOD, ATHUL M.V.,  
Advocates for the petitioner and of the PUBLIC PROSECUTOR for the  
respondents, the court passed the following:



P.T.O.

C. JAYACHANDRAN, J.

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Crl.M.C.No.6923 of 2024  
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Dated, this the 5<sup>th</sup> September, 2024

O R D E R

In this Criminal Miscellaneous Case, a larger issue is seen espoused as regards the power of the Special Judge under the P.C. Act to declare the refusal of prosecution sanction under Section 19 of the Act as invalid. Whether the Special Court can examine the issue regarding application of mind by the sanctioning authority for refusing the sanction is the question, which requires to be addressed. Another ground on which Annexure-A2 order is challenged is the absence of prosecution sanction, even for ordering investigation under Section 156(3) of Cr.P.C., as held in Anil Kumar and others v. M.K. Aiyappa and another [(2013) 10 SCC 705].

2. Inasmuch as, these two serious questions surface for consideration, this Court is of the

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Crl.M.C.No. 6923 of 2024

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opinion that, operation of Annexure-A2 order has been stayed. It is so done.

Post on 27.09.2024.

Sd/-  
C. JAYACHANDRAN  
JUDGE

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