

ITEM NO.104

COURT NO.7

SECTION II

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

CRIMINAL APPEAL NO(s). 1017 OF 2010

S.K.JHA COMMODRE

Appellant (s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 14/12/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. P.P. Malhotra, ASG.
Ms. Sonia Malhotra, Adv.
Mr. Rajiv Nanda, Adv.
Mr. Sachit Kumar Sahijpal, Adv.
Mr. B. Krishna Prasad, Adv.

For Respondent(s)

Mr. G. Prakash, Adv.

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

Learned counsel for the respondent-State has brought to our notice Constitution Bench judgment of this court in Somdatt Datta v. Union of India & Ors. AIR 1969 SC 414 to the effect that the choice

as to whether Court Marshall initiated or criminal proceedings are to be initiated will be exercised

After the charge sheet has been filed and submitted before the Magistrate. Mr. P.P. Malhotra, the learned Additional Solicitor General seeks time to go through the judgment cited herein.

List the matter after the ensuing Christmas vacation.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER



JUDGMENT