

**SUPREME COURT OF INDIA**

Jayaram Paddickal

Vs.

T. V. Eachanawarriyar

CrI.A.Nos.380-381 of 1977

(N. L. Untwalia and O. Chinnappa Reddy, JJ.)

05.12.1978

**JUDGEMENT**

**UNTWALIA, J.:-**

1. Heard learned counsel for the appellant and the learned counsel for the respondents Nos. 1. and 2. Having appreciated and considered the submissions made on behalf of the appellant, we are of the opinion that it is not a fit case where we should interfere with the impugned order of the High Court directing the appellant's prosecution in accordance with Section 340, Code of Criminal Procedure, 1973. We would, however, like to observe that the trial should proceed according to law unfettered by the observations of the High Court in the impugned judgment or any findings recorded therein because they were only meant to find out whether it was expedient to order the prosecution of the appellant. None of these observations or findings could mean or can be taken into account as conclusive at this stage of the trial. The appeals are dismissed subject to these observations.

Order accordingly.

