

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1435 OF 2008

[Arising out of SLP(Crl.) No. 5432/2006]

T.O. ABARAHAM

... APPELLANT(S)

:VERSUS:

STATE OF KERALA AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that in view of the fact that the principal ground on which the appellant's application for splitting up of charges had not been acceded to is the filing of the application by the appellant two months after framing of the charge-sheet.

The High Court unfortunately has not gone into the merit of the matter at all.

Ordinarily, we would have remitted the matter back to the High Court.

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However, keeping in view the decision of this Court in Balbir vs. State of

Haryana & Anr., [2000 (1) SCC 285], we are of the opinion that the matter should be considered afresh by the learned Trial Judge. While doing so, an opportunity of hearing shall also be granted to the other accused, if they oppose the said prayer of the appellant Nos.7 & 8.

The learned Trial Judge shall pass a reasoned order in the event it is found that the contention of the appellant has no merit, the hearing of the case shall be taken up as expeditiously as possible.

The appeal is disposed of accordingly.

.....J.
(S.B. SINHA)

.....J.
(CYRIAC JOSEPH)

NEW DELHI,
SEPTEMBER 8, 2008.