

Time : 2:15 pm



## THE HIGH COURT OF KERALA

Ernakulam-682031  
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**DI-8/67606/2021**

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**Date: 30-11-2021**

### OFFICIAL MEMORANDUM

**Sub:** Suo Motu Writ Petition No. 23838 of 2021 - Public Interest Litigation on the Appointment of Public Prosecutors- reg:-

**Ref:** Order dated 02/11/2021 in WP(C) No. 23838 of 2021(R).


A Division Bench of this Court while dealing with appeals from orders of conviction under Sec.302 of Indian Penal Code and the Protection of Children from Sexual Offences Act (PoCSO Act), was appalled by the abject incompetence displayed by the prosecution. The Bench directed the Registry to initiate Suo Motu Writ Petition in the matter of appointment of Public Prosecutors. Accordingly the High Court has initiated Suo Motu Writ Petition No. 23838/2021.

The Court observed that though the appointment of the Public Prosecutors is the prerogative of the Government, there is no absolute freedom in so far as the same should be in consultation with the Sessions Judge as required under the provisions of the Cr.P.C. In practice, when applications are called, the Sessions Judges prune it on the basis of the competency as displayed in the courts, invariably the District Magistrates seek the entire applications to be sent to them for preparation of panel, who often does not have a clue as to the competence of a particular Advocate. They cannot cherry pick the advocates to be appointed as Prosecutors based on political affiliations as the Code requires a consultation with the Sessions Judge.

As per the order dated 02/11/21 In the above Writ Petition, all Principal District Judges are directed to send a report forthwith, regarding the consultation made with them in the selection of Public Prosecutors and also the practices followed in the appointment of Public Prosecutors and Special Prosecutors for conduct of Criminal and PoCSO cases in various Courts in the District. The report shall be mailed to the High Court to [d1section.hc-ker@gov.in](mailto:d1section.hc-ker@gov.in), latest by 06-12-2021.

(By Order)

  
Suneera P. M.  
Deputy Registrar

  
30/11/2021

To,

All Principal District Judges  
(Including the District Judge, Kavaratti)

Note: Reply, if any, may be sent to the Registrar (District Judiciary) or sent to fax number/email shown above.