

State of Kerala vs Yessiah a

State of Kerala vs Yessiah a

SooperKanoon Citation : sooperkanoon.com/1362914

Court : Kerala

Decided On : May-31-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.Rev.Pet/597/2023

Appellant : State of Kerala

Respondent : Yessiah a

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 230 OF 2022 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1519/2017 IN CC REVISION
PETITIONER/COMPLAINANT: STATE OF KERALA REPRESENTED
BY ADDITIONAL PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031 SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.3: P M MATHEW, FORMER
ADMINISTRATIVE OFFICER,KERALA STATE DEVELOPMENT
CORPORATION FOR CHRISTIAN CONVERTS FROM SHEDULED
CASTES AND RECOMMENDED COMMUNITIES LTD,KOTTAYAM (S/O

MATHEW,PUTHUVATHRA PUTHENPURAYIL,KURICHY
VILLAGE,KOTTAYAM, PIN - BY ADVS.ALIAS M. CHERIAN M,
K.M.RAPHY(K/542/2012) BRISTO S PARIYARAM(K/1756/2020), AJAI
ALIAS CHALAPPURAM(K/002387/2021)VIVEK
RADHAKRISHNAN(K/2164/2021) ARUN C.S.(K/000832/2022), SHIJU
VARGHESE (ERNAKULAM)(K/599/2007), K.A.SUJAN(K/389/2006)
ANVER BASHEER(K/506/2005) THIS CRIMINAL REVISION PETITION
HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH
Crl.Rev.Pet.410/2021, AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 390 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1979/2017 IN CC REVISION
PETITIONER/COMPLAINANT: STATE OF KERALA REPRESENTED
BY ADDITIONAL PUBLIC PROSECUTOR HIGH COURT OF KERALA,
PIN - 682031 SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.5: SRI.BENNY A, WARD 11, HOUSE
NO 44 PERIYAVURI ESTATE, LOWER DIVISION, KDH VILLAGE,
IDUKKI, PIN - THIS CRIMINAL REVISION PETITION HAVING COME
UP FOR ADMISSION ON 31.05.2023, ALONG WITH
Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:3:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 606 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2352/2017 IN CC REVISION
PETITIONER/RESPONDENT: STATE OF KERALA REPRESENTED BY

THE ADDITIONAL PUBLIC PROSECUTOR ,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.5: S. CHELLASWAMY DOOR NO: 14, VASAVI NAGAR, UDUMALPETTA, TAMILNADU, PIN - 642126 THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:4:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 389 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1515/2017 IN CC REVISION PETITIONER/RESPONDENT: STATE OF KERALA REPRESENTED BY HE ADDL. PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: P. M. MATHEW, FORMER ADMINISTATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED COMMUNITIES LTD, KOTTAYAM (S/O MATHEW,PUTHUVATHRA PUTHEN PURAYIL KURICHY VILLAGE , KOTTAYAM), PIN - BY ADVS.SHIJU VARGHESE (ERNAKULAM) BINCY P. PAUL(K/000460/2023) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:5:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945

CRL.REV.PET NO. 414 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1505/2017 IN CC REVISION PETITIONER/COMPLAINANT: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, PIN - 682031 SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: P.M MATHEW , FORMER ADMINISTRATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORAATION FOR CHRISTAIN CONVERTS FROM SCHEDULED CASTE AND RECOMMENDED COMMUNITIES LTD, KOTTAYAM (S/O MATHEW, PUTHUVATHRA PUTHENPURAYIL, KURICHY VILLAGE ,KOTTAYAM., PIN - 686532 BY ADVS.SHIJU VARGHESE (ERNAKULAM) ALIAS M.CHERIAN(K/000667/1991) BINCY P. PAUL(K/000460/2023) MANOJ.R(K/000423/2023) BRISTO S PARIYARAM(K/1756/2020) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:6:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 597 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1962/2017 IN CC REVISION PETITIONER/RESPONDENT: STATE OF KERALA REPRESENTED BY THE ADDITIONAL PUBLIC PROSECTOR, HIGH COURT OF KERALA SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.6: YESAIAH A, S/O.ANTONY DAS, HOUSE NO. 500, WARD NO. 5, KORNDIKKADU DIVISION GRAHAMS LAND ESTATE, MUNNAR 685612 BY ADVS.NANDAGOPAL S.KURUP SURESH BABU THOMAS(K/439/1979) ABHIRAM T.K.(K/548/2020) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND

CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:7:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 410 OF 2021 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1495/2017 IN CC REVISION
PETITIONER/RESPONDENT: STATE OF KERALA REPRESENTED BY
THE ADDITIONAL PUBLIC PROSECUTOR, HIGH COURT OF
KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.3: P.M.MATHEW, S/O. MATHEW,
PUTHUVATHRA PUTHERNPURAYIL, KURICHY VILLAGE,
KOTTAYAM (FORMER ADMINISTRATIVE OFFICER, KERALA STATE
DEVELOPMENT FOR CHRISTIAN CONVERTS FROM SCHEDULED
CASTES AND RECOMMENDED COMMUNITIES LTD., KOTTAYAM),
KURICHI P.O., PIN-686532. BY ADVS.ALIAS M. CHERIAN M
K.M.RAPHY(K/542/2012), BRISTO S PARIYARAM(K/1756/2020), AJAI
ALIAS CHALAPPURAM(K/002387/2021)VIVEK
ADHAKRISHNAN(K/2164/2021)ARUN C.S.(K/000832/2022), SHIJU
VARGHESE (ERNAKULAM)(K/599/2007), ANVER
BASHEER(K/506/2005)K.A.SUJAN(K/389/2006) THIS CRIMINAL
REVISION PETITION HAVING COME UP FOR ADMISSION ON
31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: -:8:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 591 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2346/2017 IN CC REVISION

PETITIONER/RESPONDENT: THE STATE OF KERALA, REPRESENTED BY THE STATE POLICE PROSECUTOR, HIGH COURT OF KERALA SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.5: SRI.CHELLASWAMY.S, S/O. SIVAN, DOOR NO. 14, VASAVI NAGAR, UDUMALPETTA, TAMILNADU, (FORMER P.D. TEACHER, GOVERNMENT HIGH SCHOOL, SOTHUPURA 642126. THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:9:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 590 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 2344/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF KERALA REPRESENTED BY THE ADDITIONAL PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.5: CHELLASWAMY S. S/O.SIVAN, DOOR NO.14, VASAVI NAGAR, UDUMALPETTA, TAMILNADU (FORMER P.D.TEACHER, GOVERNMENT HIGH SCHOOL, SOTHUPURA), PIN - 642 126. THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:10:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 605 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 2345/2017 IN CC REVISION

PETITIONER/RESPONDENT: THE STATE OF KERALA REPRESENTED BY THE ADDITIONAL PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.7: V.APPUKUTTAN NAIR, FORMER U.D. CLERK, KERALA STATE DEVELOPMENT FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED COMMUNITIES LTD., KOTTAYAM, (S/O R. VELAYUDHAN NAIR, RAMACHAMVILA PUTHERNVEEDU, STUDIO ROAD, NEMOM P.O., THIRUVANANTHAPURAM 695020 THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:11:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 604 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1981/2017 IN CC REVISION PETITIONER/RESPONDENT: THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.6: ANNAMMA DEVASSIA, PALACKATHADATHIL, KUTHUPARA, VELLATHOOVAL 683522 THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:12:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 589 OF 2023 AGAINST THE ORDER DATED

30.11.2017 IN CMP 1942/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: P.M.
MATHEW, FORMER ADMINISTRATIVE OFFICER, KERALA STATE
DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM
SCHEDULED CASTES AND RECOMMENDED COMMUNITIES
LIMITED, KOTTAYAM, PIN 686 532, (S/O. MATHEW, PUTHUVATHRA,
PUTHENPURAYIL KURICHI VILLAGE, KOTTAYAM)-686 532 BY
ADVS. SHIJU VARGHESE (ERNAKULAM) ALIAS
M.CHERIAN(K/000667/1991) BINCY P. PAUL(K/000460/2023)
MANOJ.R(K/000423/2023) BRISTO S PARIYARAM(K/1756/2020) THIS
CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: -:13:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 599 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2347/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.7:
V.APPUKUTTAN NAIR U.D.CLERK, KERALA STATE DEVELOPMENT
CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED
COMMUNITIES LIMITED, KOTTAYAM, [S/O. R.VELAYUDHAN NAIR,
RAMACHAMVILA PUTHENVEEDU, STUDIO ROAD, NEMOM P.O,
THIRUVANANTHAPURAM-695 020. THIS CRIMINAL REVISION

PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:14:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 588 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2350/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP
RESPONDENT/ACCUSED NO.5: SRI.CHELLASWAMY. S,, S/O.
SIVAN, DOOR NO. 14, VASAVI NAGAR, UDUMALPETTA,
THAMILNADU (FORMER P.D. TEACHER, GOVERNMENT HIGH
SCHOOL, SOTHUPURA (642 154. THIS CRIMINAL REVISION
PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023,
ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:15:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 603 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2354/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.5: S.
CHELLASWAMY S/O.SIVAN, DOOR NO.14, VASAVI NAGAR,
UDUMALPETTA, TAMILNADU (FORMER P.D.TEACHER,
GOVERNMENT HIGH SCHOOL, SOUTHUPURA) - 642 126. THIS

CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:16:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 602 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2220/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.6: A.
CHANDRAN, S/O. R. AMRUTHAMUTHU, HOUSE NO.3/397,
MANNARAPETTY, MARAYOOR VILLAGE, DEVIKULAM TALUK,
MUNNAR-685620. THIS CRIMINAL REVISION PETITION HAVING
COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH
Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:17:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 601 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2355/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.5: S.
CHELLASWAMY S/O.SIVAN, DOOR NO.14, VASAVI NAGAR,
UDUMALPETTA, TAMILNADU - 642 126. THIS CRIMINAL REVISION

PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:18:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 595 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2349/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH
SPL PP RESPONDENT/ACCUSED NO.7: SRI.K.P.PRASAD, S/O
KUTTAN CHETTIYAR, EASAWARAVILASAM (H), VATTIYOORKAVU,
THIRUVANANTHAPURAM PIN 695013 (FORMER PEON, KERALA
STATE DEVELOPMENT CORPORATION FOR CHRISTIAN
CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED
COMMUNITIES LIMITED, KOTTAYAM) THIS CRIMINAL REVISION
PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023,
ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:19:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 594 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1506/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: P.M.
MATHEW, S/O. MATHEW, PUTHUVATHRA PUTHERNPURAYIL,

KURICHY VILLAGE, KOTTAYAM 686532(FORMER ADMINISTRATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED COMMUNITIES LTD., KOTTAYAM). BY ADVS.SHIJU VARGHESE (ERNAKULAM) BINCY P. PAUL(K/000460/2023) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:20:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 165 OF 2022 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2345/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH
SPL PP RESPONDENT/ACCUSED NO.7: SRI.V.APPUKUTTAN NAIR
FORMER U.D.CLERK, KERALA STATE DEVELOPMENT
CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED
CASTES AND RECOMMENDED COMMUNITIES LIMITED,
KOTTAYAM, (S/O.R.VELAYUDHAN NAIR, RAMACHAMVILA
PUTHENVEEDU, STUDIO ROAD, NEMOM P.O.,
THIRUVANANTHAPURAM-695020). THIS CRIMINAL REVISION
PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023,
ALONG WITH CrI.Rev.Pet.230/2022 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:21:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945

CRL.REV.PET NO. 596 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1496/2017 IN CC REVISION PETITIONER/RESPONDENT: THE STATE OF KERALA, REPRESENTED BY THE STATE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: P.M. MATHEW, S/O. MATHEW, PUTHUVATHRA PUTHERNPURAYIL, KURICHY VILLAGE, KOTTAYAM 686532 (FORMER ADMINISTRATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED COMMUNITIES LTD., KOTTAYAM) 686532 BY ADVS. SHIJU VARGHESE (ERNAKULAM) ALIAS M. CHERIAN (K/000667/1991) BINCY P. PAUL (K/000460/2023) MANOJ. R (K/000423/2023) BRISTO S PARIYARAM (K/1756/2020) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:22:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 600 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 1510/2017 IN CC REVISION PETITIONER/RESPONDENT: THE STATE OF KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.3: SRI. P.M. MATHEW, S/O. MATHEW, PUTHUVATHRA PUTHERNPURAYIL, KURICHY VILLAGE, KOTTAYAM 686532 (FORMER ADMINISTRATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND

RECOMMENDED COMMUNITIES LTD., KOTTAYAM)686549 BY
ADVS.SHIJU VARGHESE (ERNAKULAM) ALIAS
M.CHERIAN(K/000667/1991) BINCY P. PAUL(K/000460/2023)
MANOJ.R(K/000423/2023) BRISTO S PARIYARAM(K/1756/2020) THIS
CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: -:23:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYASHTA, 1945
CRL.REV.PET NO. 598 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1981/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH
SPL PP RESPONDENT/ACCUSED NO.6: SMT. ANNAMMA DEVASSIA,
KUTHUPARA, VELLATHOOVAL, (NOW RESIDING AT
KADALANGATTU HOUSE, KUNITHAI P.O., NORTH PARAVOOR
683522 THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: -:24:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYASHTA, 1945
CRL.REV.PET NO. 483 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 1942/2017 IN CC REVISION
PETITIONER/RESPONDENT/COMPLAINANT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC

PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/PETITIONER/ACCUSED NO.3:

P.M.MATHEW, FORMER ADMINISTRATIVE OFFICER, KERALA STATE DEVELOPMENT CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND RECOMMENDED COMMUNITIES LIMITED, KOTTAYAM, PIN - 686532, (S/O. MATHEW, PUTHUVATHRA, PUTHEN PURAYIL KURICHY VILLAGE, KOTTAYAM - 686532. BY ADVS.ALIAS M. CHERIAN M, K.M.RAPHY(K/542/2012) BRISTO S PARIYARAM(K/1756/2020) AJAI ALIAS CHALAPPURAM(K/002387/2021) VIVEK RADHAKRISHNAN(K/2164/2021) ARUN C.S.(K/000832/2022), SHIJU VARGHESE (ERNAKULAM)(K/599/2007)K.A.SUJAN(K/389/2006) ANVER BASHEER(K/506/2005) THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:25:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.REV.PET NO. 592 OF 2023 AGAINST THE ORDER DATED 30.11.2017 IN CMP 2348/2017 IN CC REVISION PETITIONER/RESPONDENT: THE STATE OF KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP & SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.5: S. CHELLASWAMY S/O.SIVAN, DOOR NO.14, VASAVI NAGAR, UDUMALPETTA, TAMILNADU (FORMER P.D.TEACHER, GOVERNMENT HIGH SCHOOL, SOUTHURA) - 642 126. THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED

THE FOLLOWING: -:26:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 593 OF 2023 AGAINST THE ORDER DATED
30.11.2017 IN CMP 2344/2017 IN CC REVISION
PETITIONER/RESPONDENT: THE STATE OF
KERALA, REPRESENTED BY THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT OF KERALA. SMT S REKHA SR PP &
SRI A RAJESH SPL PP RESPONDENT/ACCUSED NO.5: S.
CHELLASWAMY S/O.SIVAN, DOOR NO.14, VASAVI NAGAR,
UDUMALPETTA, TAMILNADU (FORMER P.D.TEACHER,
GOVERNMENT HIGH SCHOOL, SOUTHURA) - 642 126. THIS
CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31.05.2023, ALONG WITH Crl.Rev.Pet.230/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: -:27:-

ORDER

Dated this the 31st day of May, 2023 Crl.R.P. Nos.230/2022, 410/2021, 165/2022, 389/2023, All these criminal revision petitions have been filed by the State challenging two common orders passed by the Enquiry Commissioner and Special Judge Kottayam (for short 'the court below') dated 30.11.2017 allowing the applications for discharge filed by the accused invoking Section 239 of the Cr.P.C.

2. Since all the revision petitions are connected, I am disposing of the same by the common order.

3. The offences alleged in all the cases are under Section 13(1) (c) and (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short 'the PC Act'), Sections 409, 465, 468, 477 and 120B of the IPC.

4. The prosecution case in all the cases are identical. It

runs as follows: The accused Nos. 1 to 3 were the Managing Director, Secretary and Administrative Officer respectively of the -:28:- Kerala State Development Corporation for Christian Converts from the Scheduled Castes and Recommended Communities Limited, Kottayam (for short 'the Corporation'). The Corporation has been constituted mainly for giving loans to the members of the said castes and communities under the self employment scheme. During the period 1995-1996, the accused Nos. 1 to 3 hatched criminal conspiracy with the remaining accused and loanees for misappropriating the funds of the Corporation. In pursuance of the said conspiracy, the accused No.1 granted loans illegally to the loanees accepting forged documents and thereafter, they misappropriated the loan amount.

5. The respondent/accused in all the above CrI.R.Ps

appeared at the court below. They filed applications in the respective cases for discharge under Section 239 of Cr.P.C on the ground that there was no sufficient ground to proceed against them. The court below on consideration of records of the cases and after hearing the submissions of the respondents as well as the prosecution formed an opinion that the charge against the respondents is groundless, allowed the applications and discharged them by the two common orders referred above. -:29:- These revisions petitions have been filed by the State challenging the said common orders.

6. I have heard Sri. A. Rajesh, the learned Special Public Prosecutor for VACB. I have also heard the counsel appearing for the respondents in all the cases.

7. The learned Special Public Prosecutor Sri. A. Rajesh

submitted that there are materials to presume that the respondents have committed the alleged offences. The truthfulness or falsity of the allegations are question of fact and matters of evidence to be let at the time of trial and cannot be per-judged at this stage. When there are prima facie materials to show the involvement of the respondents in the crime, the court below should have framed charge against them, submitted the learned Special Public Prosecutor. On the other hand, the learned counsel appearing for the respondents submitted that a close reading of the FIR, statement of the witnesses and documents on record

would reveal that none of the offences alleged against the respondents are made out. The counsel further submitted that since there are no sufficient grounds to proceed against the respondents, the court below rightly -:30:- discharged them under Section 239 of Cr.P.C. There is no illegality or impropriety in the impugned orders warranting interference by this Court under the exercise of the jurisdiction under Section 397 of Cr.P.C, added the learned counsel.

8. It is settled that at the time of consideration of an

application for discharge, the court is required to consider whether there are sufficient grounds to proceed against the accused. The court is not to examine and assess in detail the materials on record produced by the prosecution, nor is it for the court to consider the sufficiency of the materials to establish the offence alleged against the accused persons. By and large, however, if two views are equally possible, and the court is satisfied that the evidence produced before it gives rise to suspicion only, as distinguished from great suspicion, the court will be fully within its right to discharge the accused. The evidence which the prosecution proposed to produce to prove the guilt of the accused, even if fully accepted, before it is challenged in cross examination or rebutted by defence evidence, if any, cannot show that the accused has committed offence, then there will be no sufficient ground for proceeding with the crime. -:31:-

9. The dispute is with regard to the disbursement of

loans by the Corporation which has been constituted for the welfare of Christian Converts from the Scheduled Castes and Recommended Communities. The prosecution case as already stated is that, the accused Nos. 1 to 3 along with the remaining accused as well as the loanees, hatched a criminal conspiracy, and in pursuance of the conspiracy, granted loan to the loanees accepting forged documents produced by them. The court below perused all the files in respect of the loan transactions involved in question. I have also perused the files, the copies of which are made available to me by the learned counsel for the respondents as well as the learned Public Prosecutor. The files revealed that the loans were sanctioned and disbursed to the loanees after obtaining sufficient securities. Along with the loan applications, the loanees have produced the caste-cum-income

certificate as well as the age certificate to prove their eligibility for the loan. Sufficient sureties were also furnished. The Corporation has obtained salary certificates of the sureties as security to ensure the repayment of the loan amount. Besides, cheques were obtained from the loanees as security for the repayment of the :-32:- loan instalments. All these materials clearly show that the Corporation sanctioned the loan and disbursed the loan amount to the loanees after complying with the formalities and also obtaining sufficient securities. There are nothing on record to show that the documents furnished by the loanees are forged one. When the entire loan amount were disbursed to the loanees after complying with the formalities and obtaining sufficient security, it cannot be said that there is any misappropriation as alleged. There is nothing to show conspiracy as well. The court below has analysed the entire materials collected by the prosecution and filed along with the final report and found that there are no sufficient ground to proceed against the respondents and accordingly, discharged them. It is settled that the revisional power under Section 397 read with 401 of the Cr.P.C was to confer power upon superior criminal courts a kind of paternal or supervisory jurisdiction in order to correct miscarriage of justice arising from misconception of law, irregularity of procedure, neglect of proper precautions or

apparent harshness of treatment. It has been consistently held

by the Apex Court that the jurisdiction of the High Court in :-33:- revision is severely restricted. I have carefully gone through the entire records as well as the impugned orders. I find no impropriety or illegality in the impugned orders warranting interference under the jurisdictional power vested with this Court. Hence, these Crl.R.Ps are only to be dismissed. Accordingly, they are dismissed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp :-34:- APPENDIX OF CRL.REV.PET 390/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE JUDGMENT DATED

30.11.2017 IN C.M.P NO.1979/2017 IN C C NO.39 OF 2013 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE.KOTTAYAM. :-35:- APPENDIX OF CRL.REV.PET 606/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE COMMON

ORDER DATED 30.11.2017 IN C.M.P NO.2352/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE,KOTTAYAM -:36:- APPENDIX OF CRL.REV.PET 389/2023 PETITIONER ANNEXURES

ANNEXURE A ANNEXURE A CERTIFIED COPY OF THE ORDER

DATED 30-11-2017 IN C.M.P NO 1515/2017 ON THE FILE OF THE COURT OF THE ENQ. COMMISSIONER AND SPL. JUDGE, KOTTAYAM. -:37:- APPENDIX OF CRL.REV.PET 414/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE JUDGMENT ATED 30- 11-2017 IN C.M.P NO. 1505/2017 ON THE FIE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM

-:38:- APPENDIX OF CRL.REV.PET 590/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE JUDGMENT DATED FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:39:- APPENDIX OF CRL.REV.PET 588/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE JUDGMENT DATED 30.11.2017 IN C.M.P. NO. 2350/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM.

-:40:- APPENDIX OF CRL.REV.PET 603/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE JUDGMENT DATED FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:41:- APPENDIX OF CRL.REV.PET 602/2023 PETITIONER ANNEXURES Annexure A A TRUE COPY OF THE ORDER DATED ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:42:- APPENDIX OF CRL.REV.PET 165/2022 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE JUDGMENT DATED

30.11.2017 IN C.M.P.NO.2345/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:43:- APPENDIX OF CRL.REV.PET 598/2023 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE JUDGMENT DATED 30.11.2017 IN CMP

NO.1981/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:44:- APPENDIX OF CRL.REV.PET 483/2023 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE COMMON ORDER DATED 30.11.2017 IN C.M.P.NO.1942/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM. -:45:- APPENDIX OF CRL.REV.PET 230/2022 PETITIONER ANNEXURES AnnexureA CERTIFIED COPY OF THE COMMON ORDER DATED 30.11.2017 IN C.M.P NO.1519/2017 ON THE FILE OF THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE,KOTTAYAM.

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