

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

**Wednesday, the 22nd day of July 2026 / 31st Ashadha, 1948
CRL.M.APPL.NO.6/2026 IN CRL.A NO. 609 OF 2026**

BA 444/2026 OF ADDITIONAL SESSIONS COURT - IV , THALASSERY

APPLICANTS/RESPONDENTS 3 & 4 IN APPEAL:

- 1. LATHA, CHALACKKADU THADATHARIKATHU
VEEDU, UZHAMALACKAL, PUTHUKULANGARA, THIRUVANANTHAPURAM DISTRICT, PIN -
695541**
- 2. ADDL.R4 RAJAN V.N. AGED 54 YEARS S/O. YOVAN, CHALAKKAD
THADATHARIKATHU VEEDU, PUTHUKULANGARA P. O.,
NEDUMANGAD, THIRUVANANTHAPURAM - 695541. (IMPLEADED AS ADDITIONAL 4TH
RESPONDENT AS PER ORDER DATED 26.05.2026 IN CRL.M.A.2/2026)**

RESPONDENTS/STATE-RESPONDENTS 1 & 2 AND APPELLANT-ACCUSED IN THE APPEAL:

**1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA-682031**

**2. THE STATION HOUSE OFFICER, CHAKKARACKAL POLICE STATION,
MOUWANCHERRY P.O, KANNUR DISTRICT, PIN-670613**

**3. DR, KONDANDA RAM, AGED 53 YEARS. S/O MUNIYAPPA SAAWAN, NEAR EDESA
CONVENT HOSTEL, EDACHERRY ROAD, PALLIKUNNU P.O., KANNUR, PIN-670004**

Application praying that in the circumstances stated therein the High Court be pleased to direct the prosecution to place on record the subsequent proceedings initiated pursuant to the said order, including the steps taken after the accused was released, so as to enable this Hon'ble Court to consider the issue in its proper factual and legal perspective.

This Application coming on for orders upon perusing the application and upon hearing the arguments of Smt. A.PARVATHI MENON, Advocate for Appellant/Respondent 4 (Legal Aid Counsel) and of Shri S.RAJEEV, V.VINAY, M.S.ANEER, SARATH K.P., ANILKUMAR C.R., K.S.KIRAN KRISHNAN, DIPHA V., AKASH CHERIAN THOMAS, AZAD SUNIL, T.P.ARAVIND, MAHESWAR PADICKAL, AKSHARA S., NIVEDITA RAJEEV, Advocates for the Respondent3 /appellant and of the PUBLIC PROSECUTOR for the respondents 1 & 2, the court passed the following:

P.T.O

WEDNESDAY, THE 22ND DAY OF JULY 2026

Cr1.M.App1 5/2026 IN CRL.A No. 609 of 2026

DR M KODANDA RAM

VS

STATE OF KERALA

ADVS FOR APPELLANT/S:

SRI.S.RAJEEV, SRI.V.VINAY, SRI.M.S.ANEER, SHRI.SARATH
K.P., SHRI.ANILKUMAR C.R., SHRI.K.S.KIRAN KRISHNAN,
SMT.DIPA V., SHRI.AKASH CHERIAN THOMAS, SHRI.AZAD SUNIL,
SHRI.T.P.ARAVIND, SHRI.MAHESWAR PADICKAL, SMT.AKSHARA S.,
SMT.NIVEDITA RAJEEV

ADVS FOR RESPONDENT/S:



**Crl.M.A.Nos.5 & 6 of 2026
in Crl.A. No.609 of 2026**

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ADVS FOR RESPONDENT/S:



**Crl.M.A.Nos.5 & 6 of 2026
in Crl.A. No.609 of 2026**

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A.BADHARUDEEN, J.

**Crl.M.A.Nos.5 & 6 of 2026
in
Crl.A. No.609 of 2026**

Dated, this the 22nd day of July, 2026

ORDER

Adverting to the petitions filed by the aggrieved person, who has right of hearing in each proceeding before the court concerned, in view of the mandate under Section 15A(3) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2018) (hereinafter referred to as 'the SC/ST (POA) (Amendment) Act, 2018'), the matter would require consideration by this Court, since serious allegations have been levelled against the Investigating Officer in the matter of non-furnishing of grounds of arrest to the accused, which led to release of the accused when he was arrested and produced before the Special Court under the SC/ST (POA) (Amendment) Act,

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2018 Thalassery, after dismissal of his anticipatory bail application by the Hon'ble Supreme Court. This Court strongly doubts the involvement of top officials of the Police also in this regard to save the accused from detention, *prima facie* since it is very difficult to believe that the Investigating Officer, holding the post of Dy.S.P., would not be aware the fact that grounds of arrest to be furnished to the accused when producing the accused before a court after his arrest. The submission made by the learned Public Prosecutor that the Government had changed the Investigating team and constituted a Special Investigating Team (SIT) would fortify the doubt. According to the learned Public Prosecutor, this matter will be enquired by the Government. This submission is recorded.

2. In view of the matter, there shall be a direction to the Investigating Officer, who arrested the accused in this case, to appear before this Court in person, with legible copies of all documents, which he had produced before the

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Special Court at the time of production of the accused, after arrest, and to file an affidavit regarding the compliance of the pre-arrest formalities in this case when the accused was produced before the Special court, in terms of the judgments of the Hon'ble Apex Court, positively at 10.45 am on 24.07.2026. Similarly, the Superintendent of Police, Crime Branch, who supervised the Investigation also is directed to appear in person at 10.45 am on 24.07.2026 to submit his response in this serious matter.

3. What has been transferred before the Special court is unknown to this Court. What are the documents produced are also unknown to this Court and the petitioner, as the Special Judge did not give opportunity of hearing to the victim before release of the accused. Therefore, the learned Special Judge is directed to forward all the documents produced by the Investigating Officer at the time of production of the accused before the court, along with a copy of the order passed by the learned Special Judge on

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that date, with specific mention as to whether the directions issued by this Court in the decision in **Asokan K.A. vs. State of Kerala** reported in **2026 (2) KHC 521**, specifying that the Magistrate or the Special Judge, as the case may be, must ensure compliance with the formalities at the helm of the Investigating Officer and remand shall be considered only after ensuring compliance of the formalities, have been complied. The learned Special Judge is directed to forward the documents, copy of order and report regarding what had been transferred on the date of production of the accused before the Special Court positively by 24.07.2026. The learned Special Judge must state in the report as to whether any rider in the order he had passed or otherwise for the police to arrest the accused as of now.

4. The learned Public Prosecutor is specifically directed to file report in this matter at the helm of the ADGP, Crime Branch, for further steps.

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Post on 24.07.2026 for appearance of the Investigating Officer and the Superintendent of Police, Crime Branch, and for further steps.

**Sd/-
A. BADHARUDEEN,
JUDGE**

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