



2026:KER:56960

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 28TH DAY OF JULY 2026 / 6TH SRAVANA, 1948

WP(CRL.) NO. 1110 OF 2026

PETITIONER:

DIPIN EDAVANA
AGED 40 YEARS
S/O. P.KRISHNAN,
EDAVANA HOUSE, KOLYILOD,
KANNUR, PIN - 670643

BY ADVS.
SRI.K.K.DHEERENDRAKRISHNAN
SMT.N.P.ASHA

RESPONDENTS/STATE:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 ADDITIONAL CHIEF SECRETARY
GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN - 695001



- 3 THE DIRECTOR
STATE VIGILANCE AND ANTI CORRUPTION BUREAU (VACB) ,
THIRUVANANTHAPURAM,
PIN - 695001
- 4 SRI. S SREEJITH IPS
ADDITIONAL DIRECTOR GENERAL OF POLICE
(ADMINISTRATION) ,
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM,
PIN - 695010
- 5 MINISTRY OF HOME AFFAIRS
KARTHAVYA BHAVAN3 JANPATH,
NEW DELHI REPRESENTED BY ITS SECRETARY,
PIN - 110001

R1 TO R4 BY SRI. ROY THOMAS MUVATTUPUZHA, SENIOR
PUBLIC PROSECUTOR
R5 BY ADV SHRI.K.ARJUN VENUGOPAL, CGC

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 28.07.2026, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



JUDGMENT

Dated this the 28th day of July, 2026

This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following prayers:-

- "i). Issue a writ of certiorari or any other writ calling for the Ext. P11 report and quash the same as the same is not in compliance with Ext.P8 judgment.
- ii). issue a writ of mandamus directing the respondents no. 2 and 3 to consider and dispose the Ext. P2 and P3 complaints submitted along with further documents submitted as per Ext.P13 and take a decision as expeditiously as possible.
- iii). Dispense with filing of the English translation of vernacular documents
- iv). issue any other writ or direction which this Hon'ble court may deem fit on the facts of the case"

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the State of Kerala and other respondents.

3. According to the learned counsel for the petitioner, even though as per Ext.P8 judgment in W.P.(Cr1.) 113/2026, dated 08.04.2026, this Court directed respondent Nos. 1 to 3 to consider the allegations in Exts.P1 and P7 therein and to take appropriate



decision thereof, as per law, and file a report within a period of three months from the date of receipt of a copy of the judgment, in strict sense, the direction was not complied. According to the learned counsel for the petitioner, on the guise of taking a decision in tune with Ext.P8 judgment, as per Ext.P9, dated 17.04.2026 the Deputy Secretary for the Additional Chief Secretary to Government issued a notice to the petitioner to appear for hearing at 3.00 p.m. on 20.04.2026 in his chamber. The hearing contemplated in Ext. P9 was a joint hearing inclusive of the fourth person, Sri. S. Sreejith, IPS, Additional Director General of Police against whom the allegations in Exts.P1 and P7, referred to in Ext.P8 judgment had been raised. Since the petitioner was not inclined to attend a joint meeting with the Senior Police Officer, who has been facing serious allegations, he did not participate in the meeting and accordingly, he had sent Ext. P10 and paragraph Nos. 8 and 9 have been pointed out to substantiate the stand taken by the petitioner. Paragraph Nos. 8 and 9 of Ext.P10 read as under:-

"8. I respectfully inform your good self that I am not appearing before your good self on 20.04.2026 for the joint meeting. It is also unfair and unjust to ask me to



appear for a joint meeting with very senior officers, against whom I have raised serious allegations.

9. I am prepared to appear before the investigating officer including Vigilance with all supporting documents and records. I have already sent a letter dated 24.03.2026 by mail, to the Vigilance Director informing that I am prepared to appear personally for submitting statement, records and documents to prove my allegations, copy of the mail attached."

4. According to the learned counsel for the petitioner, it was thereafter without providing opportunity of fair hearing, the Additional Chief Secretary, Home & Vigilance Department, Sri. Bishwanath Sinha IAS, filed a report stating that the allegations in Exts.P1 and P7, referred to in Ext. P8 judgment "are false and vexatious".

5. Whereas, it is submitted by the learned Government Pleader that as per Ext.P9, no joint meeting was convened as contended by the petitioner and as part of ensuring fair hearing, the petitioner was directed to appear before the Additional Chief Secretary, Vigilance Department at 3.00 p.m., on 20.04.2026 to submit his version including the documents supporting his allegations. It is also submitted that no joint meeting was convened. The learned Government Pleader also placed the



statement filed by Sri. Minhaj Alam IAS, Additional Chief Secretary, Home & Vigilance Department, Government Secretariat in response to the order of this Court on 21.07.2026 and in paragraph Nos. 2 and 3 of the said statement, it has been stated as under:-

2) It is submitted that, the Hon'ble High Court has directed the respondents 1 to 3 to consider the allegations in Ext P1 and P7 and to take appropriate decisions as per law and to file a report within a period of 3 months. To consider Ext P1 and P7 clarification was necessary and so the presence of petitioner was sought during the hearing. So the notice was issued to the petitioner requiring him to attend the hearing, vide letter No. A1/355/2025/VIG dated 17/04/2026(Ext R2). It is submitted that no direction was given to the petitioner to appear for a joint meeting. Upon receipt of the notice, the petitioner neither appeared for the hearing nor requested a separate personal hearing in his email. Rather, he was required to appear for the personal hearing so that all concerned parties could be heard in person and an appropriate, reasoned decision could be taken in the matter. The complainant, by way of an email, informed this office that he would not appear for meeting. Significantly, even in the said email, the complainant did not request a separate hearing. Had the complainant, instead of merely intimating his decision not to appear, requested that he be heard separately, such a request would have been duly



considered. The hearing was meant to comply with natural justice and proceed the matter in accordance with law. However the petitioner misunderstood the good faith of the officer and made baseless allegations without any bonafide. Everything proceeded fairly but the petitioner failed to cooperate in the matter.

3) It is submitted that, as the petitioner did not appear for the hearing, the former Additional Chief Secretary, after hearing the respondents and examining the reports obtained from Motor Vehicle department and Police Department, submitted a compliance report (Ext P11 in WP(CrI).1110/2026) before the Hon'ble High Court. Therefore it is submitted that this respondent has taken earnest efforts for the compliance of the judgement dated 08-04-2026 in WP(CrI). No. 113/2026 within the stipulated time.

6. According to the learned Government Pleader, while making Ext.P11 report, fair opportunity was given to the writ petitioner, but he did not avail the opportunity and he failed to attend the meeting.

7. While addressing the contention as to whether a joint meeting was intended by issuing Ex.P9 notice to four persons including the petitioner, who is named as the fifth person and Sri. S. Sreejith, IPS, as the fourth person (the officer who is facing serious allegations), it is relevant to note that in Ext. P11 report,



in page No. 5 the last portion, it has been stated as under:

*"Hearing Non-Compliance: Despite being served notice, the petitioner **refused to attend the joint hearing on April 20, 2026**, challenging its legality.*

*2. The petitioner's refusal to participate in the **joint hearing on April 20, 2026**, constitutes a significant procedural bottleneck that hinders the timely resolution of the inquiry directed by the Hon'ble High Court. By challenging the legality of the meeting and refusing to appear alongside the officers he accused, the petitioner has effectively stalled the administrative process of cross-examining claims and verifying evidence in a unified setting. The petitioner's refusal to cooperate is especially significant considering his claim of possessing evidence that he intends to present only to specific vigilance authorities of his own selection. By doing so, he deliberately bypasses the current examination directed by the Hon'ble High Court, which is being presided over by the Additional Chief Secretary, an official with long-standing credibility in the discharge of his entrusted duties and responsibilities."*

8. A perusal of Ext.P11, without much discussion, would make it clear that a 'joint hearing', in fact, intended and for which, notice was issued to the petitioner. Therefore, the contention raised by the petitioner as to calling of the petitioner for a joint meeting is well substantiated and the contention raised by the



learned Government Pleader contending that no 'joint meeting' was called for, appears to be false and incorrect.

9. When serious allegations are raised against any person by a complainant, conducting a joint hearing of both of them together could not be recognised as a fair practice, since the complainant has many things to submit before the authority which would be derogating or implicating the other person, so that other party could very well nullify the same. When the opposite party is a Senior Police Officer, the likelihood of doing the said exercise is very much there. Therefore, the conduct of joint meeting with a view to put the petitioner in an embarrassed condition and passing of Ext.P11 order in fact by denying fair opportunity of hearing to the petitioner found to be unsustainable and in such view of the matter Ext.P11 is liable to be set aside to provide a fair opportunity to the petitioner to submit his version independently in absence of any other officers before the Additional Chief Secretary, Home & Vigilance Department. It is relevant to note that in Ext.P11 report, the date of making such a report with conclusion that the allegations are false and vexatious could not be found and the same also would show the falsity of the report in



one way. In this connection, it is very relevant to note that Sri. Bishwanath Sinha IAS, the present Chief Secretary held the charge of Additional Chief Secretary, Home & Vigilance Department and he had done these things. High discipline and fair practice is expected from Senior Officers of the Government. But the proceedings in the instant case lack the same.

10. Despite Ext.P11, Ext. P12 would show that the Deputy Superintendent of Police (HQrs), Vigilance and Anti-corruption Bureau, Vikas Bhavan P.O., Thiruvananthapuram issued a notice asking the petitioner to attend the meeting at 12.00 noon, on 06.07.2029 and submit regarding the allegations, he had raised in his complaint addressed to the Director, Vigilance and Anti-corruption Bureau as on 24.06.2026. As pointed out by the petitioner, as the outcome of Ext.P12, Ext.P14 report was filed by the Director, Vigilance and Anti-corruption Bureau to Sri. Minhaj Alam IAS, Additional Chief Secretary, Vigilance Department stating as under :-

"Sri. Dipin Edavana requested to meet Director to handover confidential information regarding his complaint. As intimated to him, he personally appeared in the office of DVACB and handed over 3 booklets and a hand-written statement. The said documents are



forwarded in continuation with the previous correspondences maintained as reference for favour of further orders, on the action to be taken in this regard.

The said documents are marked and sealed and enclosed herewith."

11. Thus, it appears that in view of Ext.P14 also, a decision to be taken by the Additional Chief Secretary, Vigilance Department, Government of Kerala, Thiruvananthapuram. The same also to be expedited as submitted by the learned counsel for the petitioner.

12. Holding so, this writ petition is allowed as under:-

Ext.P11 stands set aside for the reasons stated above. There shall be a specific direction to the Additional Chief Secretary, Vigilance Department, Government of Kerala, Thiruvananthapuram, to provide opportunity to the petitioner for personal hearing, in the absence of Sri. S. Sreejith, IPS to whom against the allegations are made and based on the same, a fresh decision to be taken in Exts.P1 and P7, referred to in Ext.P8 judgment within a period of three weeks from today. Similarly, there shall be a direction to the Additional Chief Secretary, Home & Vigilance Department to take decision based on Ext.P14 report submitted by the Director, Vigilance and Anti-corruption Bureau



within a period of three weeks and report the compliance.

In order to report the compliance of directions in this judgment, post this writ petition on 18.08.2026.

Sd/-

A. BADHARUDEEN
JUDGE

DCS

APPENDIX OF WP(CRL.) NO. 1110 OF 2026

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE JUDGMENT DATED 18.06.2008 IN WP(C) NO. 18058/2007 PASSED BY THIS HONOURABLE COURT
Exhibit P2	A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 29.10.2025
Exhibit P3	TRUE COPY OF THE EMAIL SEND BY THE PETITIONER TO THE THIRD RESPONDENT ON 18.02.2026
Exhibit P4	A TRUE COPY OF THE PHOTO GRAPH SHOWING THE 4TH RESPONDENT'S PHOTO IN UNIFORM FOR INAUGURATING THE SPA IN UAE. A TRUE COPY OF THE PHOTOGRAPH OF ADVERTISEMENT FOR INAUGURATION OF SPA
Exhibit P5	A TRUE COPY OF THE MAIL SENT BY THE PETITIONER DATED 24.03.2026
Exhibit P6	THE PHOTOGRAPHS OF THE LAST BENCH TROUPE
Exhibit P7	A TRUE COPY OF THE PHOTO GRAPH OF THE ACCUSED ADORING A SHAWL TO THE 4TH RESPONDENT
Exhibit P8	A TRUE COPY OF JUDGMENT DATED 08.04.2026 IN WP(CRL) NO.113/2026 PASSED BY THIS HONOURABLE COURT
Exhibit P9	A TRUE COPY OF THE COMMUNICATION BY THE SECOND RESPONDENT TO THE PETITIONER DATED 17.04.2026
Exhibit P10	A TRUE COPY OF THE REPLY DATED 18.04.2026 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT
Exhibit P11	A TRUE COPY OF THE REPORT SUBMITTED IN WP(CRL) NO.113/2026 DATED 15.05.2026
Exhibit P12	A TRUE COPY OF THE NOTICE DATED 01.07.2026 ISSUED BY DEPUTY SUPERINTENDENT OF POLICE, VACB, THIRUVANANTHAPURAM

W.P.(Cr1.) No. 1110 of 2026

14



2026:KER:56960

Exhibit P13

**A TRUE COPY OF THE ACKNOWLEDGEMENT OF
RECEIPT OF DOCUMENTS SUBMITTED BY THE
PETITIONER BEFORE THE VACB, DIRECTORATE
COMMUNICATION WAS ISSUED TO THE
PETITIONER BY THE 3RD RESPONDENT**

Exhibit P14