

TUESDAY, THE 29<sup>TH</sup> DAY OF SEPTEMBER 2026

OP(CRL.) No. 448 of 2021

SUO MOTU

VS

STATE OF KERALA & ANOTHER

ADVS FOR PETITIONER/S:

SUO MOTU

ADVS FOR RESPONDENT/S:

PUBLIC PROSECUTOR, DIRECTOR GENERAL OF PROSECUTION,  
SHRI.RASHEED C.NOORANAD, SPL.GOVERNMENT PLEADER,  
SMT.LALIZA.T.Y., SENIOR G.P.

**SOUMEN SEN, C. J. & SYAM KUMAR V. M., J.**

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**O. P. (Crl.) No. 448 of 2021**

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Dated this the 29<sup>th</sup> day of September, 2026

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**Appearance:**

For the petitioner : Suo motu  
For the respondents : Mr. Rasheed C. Nooranad, Spl. GP  
Mr. P. B. Subramanyan,  
Amicus Curiae  
Ms. S. Krishna  
(Advocate by Court order)

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**ORDER**

**Soumen Sen, C.J.**

The memo filed by the learned Special Government Pleader along with the statement concerning the progress of the pending criminal cases registered against sitting/former MPs and MLAs in the State is taken on record.

2. The learned counsel for the High Court Administration and the learned Amicus Curiae have submitted that the said statement has been received only in Court today and that a response statement shall be filed on the adjourned date.

3. In the report filed by the Registrar (District Judiciary), the recommendations to expedite the disposal of pending criminal cases registered against sitting/former MPs and MLAs require consideration. We find that the suggestions and recommendations, which are broadly as follows, should be adhered to in order to expedite the process:

“i. **Prioritisation of Process Execution** : Processes relating to criminal court cases should be accorded due priority. An appropriate mechanism should be established to ensure that processes issued by Criminal Courts are executed and returned without delay. To ensure proper service, the directions of the Hon'ble High Court in *Hamsa v. State of Kerala and Others*, 2018:KER:21574, shall be strictly followed (The Judgement of the said Case is appended as **Annexure-A**).

ii. **Deputation and Monitoring of Police Officers for Process Duty** : Two police officers from each police station shall be deputed exclusively for process duty, as directed in Circular No. 83536/L1/09/Home dated 15.05.2012 and referred to in *Hamsa* (supra) (The Government Circular is appended as **Annexure-B**). Considering the pendency of cases and number of processes, if found required, more police officers may be deputed for process execution. Such officers should not be assigned with any other duty that may interfere with the execution of processes. Their duty diaries should be monitored continuously. Training shall be provided to the police personnels to execute processes in accordance with law. Actions including disciplinary proceedings shall be initiated in cases of repeated violations of the compliance

of procedures. The functioning of Nodal officers shall be strengthened through periodical meetings, atleast once in a month at the Court Centre to sort out and resolve issues.

iii. **Effective Implementation of the Kerala Electronic Processes (Issuance, Service and Execution) Rules, 2025:**

The Rules provide for the transmission of processes by the Court to the disclosed electronic communication address of the person concerned. In accordance with these provisions, DCMS has been enhanced to facilitate the delivery of notifications through WhatsApp in proceedings under the Criminal Process Module. Recipients may verify the authenticity of a process received electronically by using the process-verification facility on the DCMS portal, or by scanning the QR code provided on the process. As this facility is being introduced pursuant to the Rules, all prescribed formalities shall be strictly observed.

- **Rule 2(1)(b)** defines “disclosed electronic communication address” as the electronic messaging account of a person or organisation that is ordinarily used to send and receive messages over the internet and that has been admitted or provided by such person or organisation, either personally or through a website or portal. The definition includes email addresses and other electronic communication identifiers, including WhatsApp and Telegram.
- **Rule 5(3)** mandates that all Investigating Officers shall, as far as practicable, require accused persons to confirm or declare their designated electronic communication address, in writing or electronically, in Form No. 2. A copy of the declaration shall be retained in the case file and uploaded to the Investigation Agency software.

- **Rule 5(6)** further provides that the information so collected shall be maintained electronically in the Investigation Agency software and Court software, and may be used for the issuance and service of any process issued by the Court.

In view of the above provisions, Investigating Officers should be required to collect the disclosed electronic communication addresses of accused persons and witnesses and submit them properly before the Court. Strict compliance with this requirement should be enforced.

iv. **Reconstitution of Committees for Coordination among Criminal Justice Functionaries** : To ensure effective coordination among the Courts, the concerned police authorities, and the designated Nodal Officer in monitoring the execution of pending processes, coordination is proposed at three levels, as follows:

| Level                  | Proposed Composition                                                                                                                                                                                                                                                                                                           |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Magistrate Court Level | A committee for each Court, comprising the Judicial Officer, the Chief Ministerial Officer of the Court, the Station House Officers connected with that Court, the Deputy Superintendent of Police concerned, and the Assistant Public Prosecutor.                                                                             |
| District Level         | The District Level Monitoring Committee, reconstituted to include the Chief Judicial Magistrate, in addition to the District Judge, District Collector, Commissioner of Police, Superintendent of Police, District Government Pleader and Public Prosecutor, Deputy Director of Prosecution, and Additional Public Prosecutor. |
|                        | A committee comprising the Registrar                                                                                                                                                                                                                                                                                           |

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| State Level | General, the Registrar (District Judiciary), the State Police Chief, and the Director General of Prosecutions. To address the non-service of processes on Members of the Legislative Assembly, engagement with the Office of the Speaker of the Legislative Assembly may also be considered. |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

v. **Use of Video-Conferencing Facilities** : Wherever feasible, video-conferencing facilities shall be utilised to secure the appearance of accused persons and witnesses, thereby avoiding unnecessary delay in the proceedings. There is reluctance from the part of prosecutors to request for examination through video conferencing.

vi. **Police Station-wise Process Register** : An electronic Police Station-wise Process Register is available in DCMS. A corresponding facility may also be developed for use at police stations, recording the case number, Court, nature of process, name of the accused person or witness, date of receipt, date fixed by the Court, officer entrusted with execution, action taken, date of execution, and date on which the report was submitted to the Court. Processes that remain unexecuted beyond the prescribed period may be separately flagged for immediate follow-up.

viii. In order to effectively monitor service of process in criminal cases on police reports, the digital sharing of criminal processes to be served by the police officers is mandatory in Thiruvananthapuram, Kollam, Pathanamthitta and Thrissur judicial districts w.e.f. 01.08.2026 from DCMS through iCoPS, on a pilot basis (The O.M. issued in this regard is appended as **Annexure-C**). This can be extended to other 10 districts, and the monitoring will further improve the efficiency of service of process in criminal cases in general.”

4. Moreover, the said report indicates that, as per the latest report received from the District Judiciary as on 17<sup>th</sup> September 2026, there are 22 cases pending execution of process for more than five years. An additional 9 cases have been included in the list during the month of August 2026. In addition to the aforesaid, as on 17<sup>th</sup> September 2026, there are 26 cases which are more than two years old where the process has remained pending due to non-execution. The consolidated list of cases appended to the said report shall be taken into consideration by the State while filing the progress report on the adjourned date.

5. Post on 3<sup>rd</sup> November 2026.

**Sd/-  
SOUMEN SEN,  
CHIEF JUSTICE**

**Sd/-  
SYAM KUMAR V. M.,  
JUDGE**