

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Tuesday, the 14th day of February 2023 / 25th Magha, 1944
CONT.CASE.(CRL.) NO. 1 OF 2023(S)

SUO MOTU

CONTEMPT CASE (CRIMINAL) UNDER SECTION 2(C) OF THE
CONTEMPT OF COURTS ACT, 1971 READ WITH RULE 7 OF THE
CONTEMPT OF COURT (HIGH COURT OF KERALA) RULES

RESPONDENT:

SRI.K.M.SHAJAHAN, AGED 61 YEARS,
RESIDING AT BHAVANA, TC 96/2256, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM - 695 011.

BY SRI.V MANU, SENIOR GOVERNMENT PLEADER

This Contempt of case (criminal) having come up for orders on
14.02.2023, the court on the same day passed the following:

P.T.0

APPENDIX OF CON.CASE(CRL.) 1/2023

ANNEXURE A

TRANSLATION OF YOUTUBE VIDEO UPLOADED BY SRI.K.M. SHAJAHAN AND VIDEO OF THE ABOVE SPEECH RECORDED IN CD (IN SEALED COVER)



ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

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Dated this the 14th day of February, 2023

ORDER

Anil K. Narendran, J.

This Contempt Case (Crl), a *suo motu* proceedings under the provisions of the Contempt of Courts Act, 1971 and the Contempt of Court (High Court of Kerala) Rules, 1971, registered as per the direction of the Honourable the Chief Justice, was placed before the Division Bench dealing with Contempt matters, on 03.02.2023. Since the matter was avoided by one among the learned Judges of that Division Bench, it is placed before us based on the standing orders of the Honourable the Chief Justice.

2. This *suo motu* proceedings is registered based on the words spoken by Sri.K.M.Shajahan, who is arrayed as the respondent, in a YouTube video channel 'Prathipaksham', making serious allegations against a learned Judge of this Court, in connection with the incident in which Sri. Saiby Jose Kidangoor, an Advocate of this Court took money allegedly to bribe three learned Judges of this Court. In the words spoken by Sri.K.M.Shajahan, who is arrayed as the respondent, he

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specifically named a learned Judge of this Court, as having a role in the conspiracy. English translation of the contents of the video footage is marked as Annexure A and the video of the words spoken by Sri.K.M.Shajahan, which is recorded in a compact disc is kept in a sealed cover. The statement of facts of this Contempt Case (Crl.) constituting the alleged contempt and copy of the draft charges are prepared and signed by the Registrar General.

3. On 08.02.2023, when this matter came up for consideration, Registry was directed to serve a copy of the Contempt Case to the learned Advocate General, as provided under Rule 8A of the Contempt of Courts (High Court of Kerala) Rules, 1971.

4. Today, when this matter is taken up for consideration, we heard the arguments of Sri.V.Manu, the learned Senior Government Pleader attached to the Camp Office of the learned Advocate General.

5. Having considered the contents of the words spoken by Sri.K.M.Shajahan, who is arrayed as the respondent, in a YouTube video channel 'Prathipaksham', making serious allegations against a learned Judge of this Court, in connection

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with the incident in which Sri. Saiby Jose Kidangoor, an Advocate of this Court took money allegedly to bribe three learned Judges of this Court and the submissions made by the learned Senior Government Pleader, we are satisfied that a *prima facie* case has been made out under sub-clause (i) and sub-clause (iii) of clause (c) of Section 2 of the Contempt of Courts Act, 1971.

6. In the above circumstances, issue urgent notice in Form No.1 to the respondent by speed post to appear in person before this Court on 13.03.2023.

List on 13.03.2023.



Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

AV/14/2