

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR  
&  
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.  
Monday, the 27<sup>th</sup> day of February 2023 / 8th Phalguna, 1944  
CONTEMPT CASE (CRL.) NO. 4 OF 2022(S)

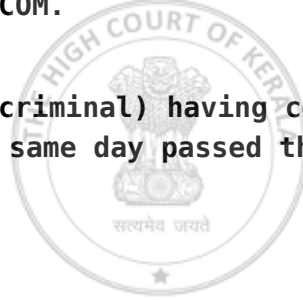
SUO MOTU CONTEMPT CASE (CRIMINAL) UNDER SECTION 2(C)  
OF THE CONTEMPT OF COURTS ACT, 1971 READ WITH RULE 7 OF  
THE CONTEMPT OF COURT (HIGH COURT OF KERALA) RULES.

BY ADVOCATE SRI.DHEERENDRAKRISHNAN K.K. (PROSECUTOR)

RESPONDENT:

SRI.NIPUN CHERIAN, PRESIDENT, V-4 PEOPLE,KOCHI,  
MARIAM COMPLEX, THOPPUMPADY, KOCHI  
EMAIL:NIPUNCM@GMAIL.COM.

This Contempt of case (criminal) having come up for orders on  
27.02.2023, the court on the same day passed the following:



P.T.O.

**A.K.JAYASANKARAN NAMBIAR, J.**

**&**

**MOHAMMED NIAS C.P., J.**

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**Cont. Case (Crl.) NO.4 OF 2022**  
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**Dated this the 27<sup>th</sup> day of February, 2023**

**ORDER**

**A.K. Jayasankaran Nambiar, J.**

Although by our earlier order dated 21.2.2023, we had posted this case on 28.2.2023 for the production of the respondent contemnor before this Court, we are constrained to take up the matter today since the respondent contemnor had been produced before us by the police authorities acting on a remand order of the Judicial First Class Magistrate Court - II, Kochi that inadvertently authorised his detention in police custody only till today [27.2.2023]. While we could have extended the police custody of the respondent contemnor till tomorrow by passing a judicial order to that effect, we felt that since the respondent has been produced in Court today, we could consider granting him bail and allow him to undergo trial in this Contempt Case without being incarcerated in jail. We therefore enquired with the respondent as to whether he was ready to file an affidavit before this Court undertaking that he would not default in the matter of appearing before this Court on all days when the case is posted for

trial, and further that he would not insist on his party workers and others accompanying him into the Court premises and that he would refrain him from giving press conferences on any topic touching upon the issues involved in this Contempt of Court Case or on the conduct of any particular Judge or other Officer/staff of this Court during the pendency of the Contempt of Court Case before this Court.

2. By an affidavit filed by the respondent contemnor, he has averred as follows:

- “1. I Nipun Cherian, respondent in this case, is submitting this affidavit on this day on 27 February 2023, in police custody as per order of the High Court of Kerala.
2. Today, as I was produced before the High Court of Kerala, the court ordered that I shall enter the High Court of Kerala Complex and appear before this court alone, during the proceedings of the case.
3. I submit that I shall follow the order of the high court of Kerala mentioned above in para 2 of this affidavit on all days on which the case is posted by the High Court of Kerala.
4. Today, the High Court also ordered that no unnecessary press conference shall be held by me during the period of time this case is pending before the High Court of Kerala.
5. I shall follow the order of the high court of Kerala as mentioned above in para 4 and shall not conduct any unnecessary press conference.

I solemnly affirm to the above and state that I am competent to file this affidavit and all the facts mentioned in paragraphs 1 to 5 are

true.”

3. The respondent contemnor had also submitted this morning that he had been handcuffed while he was being transported to the General Hospital after his arrest pursuant to our last order. We therefore asked the learned Public Prosecutor to obtain a report from the Assistant Commissioner of Police, Mattancherry in this matter. A report has now been laid before us by the said Police Officer, and paragraphs 5 to 7 of the said report read as under:

“5. While producing Sri. Nipun Cherian before the Hon'ble High Court today, he complained that the police persons handcuffed him while they took him to General Hospital Ernakulam on 26.02.2023. The Hon'ble Court directed to file a report in this allegation.

6. In obedience to the Hon'ble Court's order, I have enquired the matter. As earlier submitted, the respondent was arrested by the Inspector of Police, Thoppumpady on 24.02.2023 at 6.30 PM and after complying with the procedural formalities, he was produced before the Jurisdictional Magistrate at her residence at 8.42 PM in the police vehicle without being handcuffed and subsequently on detention order by the learned Magistrate, he was taken to jail in the police vehicle that too also without being handcuffed. As per the message dated 25.02.2023 of Superintendent of Sub Jail, Mattanchery before Commandant A.R.Camp, Kochi City for escorting a prisoner for medical aid at General Hospital, Ernakulam, Commandant deputed SCPO Shine and CPO. Nidhish Chandran from A.R. Camp, Kochi City for escorting Sri. Nipun Cherian for medical examination. I have contacted SCPO Shine over phone to verify the authenticity of the allegation made by Sri. Nipun Cherian. He disclosed me that, he along with CPO. Nidhish Chandran were

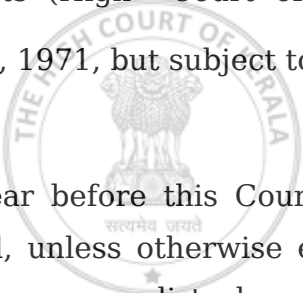
deputed for prisoner's medical escort duty on 26.02.2023 at 10.00 A.M. As department vehicle was not available at that time in the Camp, they proceeded to Mattancherry Sub jail by Private bus. When they reached Sub Jail the Jail officials told them about the detainee that he is a leader of a political party namely V4 Kochi and his party workers may intrude during his way to hospital. It was apprehended that there might be some untoward incident because of the involvement of the followers of the respondent. Accordingly so as to ensure his security and to prevent any untoward incidents that might be caused by his followers, he was handcuffed. The apprehension of the police officers who accompanied the respondent came to be true later, when they reached Thoppumpady, his supporters gathered there and Nipun Cherian started shouting slogans. Then the police party entered in the bus with Nipun Cherian, the same time two of his supporters also entered into that bus. Then Nipun Cherian started raising slogans inside the bus and the supporters took videograph by using their mobile. Then the police personnel informed the matter to A.R.Camp and they sent striker force to Government Hospital Ernakulam for averting any untoward incidents. After the medical check up he was brought back to Sub Jail Mattanchery on a Control Room Vehicle without any handcuff and they reached back Sub Jail by 12.30 P.M. He also told that in order to ensure his protection and for avoiding any type of untoward incidents during the way to hospital they handcuffed Sri. Nipun Cherian. The police officer who accompanied the respondent also told me that they have handcuffed the respondent with good faith without there being any malicious intention.

7. It is also respectfully submitted that, on 24.02.2023 during his arrest, while he was taken to Magistrate Court and to Jail police party had not handcuffed him. It is also submitted that today while he was taken to the Hon'ble High Court of Kerala I had not handcuffed him."

4. Going by our own experience while interacting with the respondent contemnor, and noticing his demeanour during the course of these proceedings, we are inclined to accept the explanation offered by the Assistant Commissioner of Police, Mattancherry, as regards the

circumstances that led to the handcuffing of the respondent contemnor during the course of his transportation to the General Hospital, after arrest.

5. Since the respondent contemnor has now agreed to appear before this Court to defend the Contempt of Court proceedings against him, we deem it appropriate to enlarge him on bail, by treating his affidavit as a self-bond for his attendance as provided in Rule 11(v) of the Contempt of Courts (High Court of Kerala) Rules under the Contempt of Courts Act, 1971, but subject to the following conditions:

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- (i) He shall appear before this Court on all days when the case is posted, unless otherwise exempted by this Court, and shall not cause any disturbance in the premises of this Court, either by himself or through his party workers and others.
- (ii) Should he require the assistance of any person while conducting his case before this Court, he shall seek permission of this Court to do so and shall avail such assistance only after obtaining such permission.
- (iii) He shall refrain from holding any agitation, demonstration,

protest, press conference etc. and/or issuing statements with regard to the conduct of any Judge or other Officer/staff of this Court particularly with regard to the subject matter of this Contempt of Court Case, on any platform, private or public, including the print, electronic and social media, during the pendency of these proceedings.

- (iv) If the respondent contemnor defaults on any of the above conditions, the bail granted to him by this order will be recalled/cancelled without any further notice to him.

Post this case on 7.3.2023, for further steps.



Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-  
**MOHAMMED NIAS C.P.**  
**JUDGE**

**prp/27/2/2023**