

ITEM NO.21

COURT NO.6

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1487-1493/2022

(Arising out of impugned final judgment and order dated 12-08-2021 in CRLMC No. 8936/2019 12-08-2021 in CRLMC No. 205/2020 12-08-2021 in CRLMC No. 1414/2020 12-08-2021 in CRLMC No. 1409/2020 12-08-2021 in CRLMC No. 2138/2020 12-08-2021 in CRLMC No. 2136/2020 12-08-2021 in CRLMC No. 9115/2019 passed by the High Court Of Kerala At Ernakulam)

EPARCHY OF BATHERY

Petitioner(s)

VERSUS

STATE OF KERALA & ORS. ETC.

Respondent(s)

(IA No.18555/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.18554/2022-PERMISSION TO FILE PETITION)

WITH

SLP(CrI) No. 2849-2854/2022 (II-B)

Diary No(s). 7364/2022 (II-B)

(IA No.38985/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.38984/2022-PERMISSION TO FILE PETITION and IA No.38987/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-01-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Chander Uday Singh, Sr. Adv.
21,21.2 Mr. Romy Chacko, AOR
Mr. Robin V.S., Adv.
Mr. Sudesh Kumar, Adv.

21.1 Mr. Siddharth Luthra, Sr. Adv.
Mr. Gyanant Singh, Adv.
Mr. Pratap Shanker, Adv.
Mr. Asif Ahmed, Adv.
Mr. Kunal Sinha, Adv.
Mr. Sarthak Shanker, Adv.
Mr. Swetank Shantanu, AOR

For Respondent(s)

R-1 (21,21.1) Mr. Jaideep Gupta, Sr. Adv.

Mr. Nishe Rajen Shonker, AOR
 Mr. Alim Anvar, Adv.
 Mrs. Anu K Joy, Adv.

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 R-2

Mr. Jayanth Muth Raj, Sr. Adv.
 Mr. Abdulla Naseeh V.T., Adv.
 Ms. Meena K. Poullose, Adv.
 Mr. P. S. Sudheer, AOR
 Ms. Miranda Solaman, Adv.

Mr. P. S. Sudheer, AOR
 Mr. Rishi Maheshwari, Adv.
 Ms. Anne Mathew, Adv.
 Mr. Bharat Sood, Adv.
 Ms. Shruti Jose, Adv.
 Mr. Ashok Basoya, Adv.

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 R-4

Mr. Kuriakose Varghese, Adv.
 Mr. V. Shyamohan, AOR
 Ms. Aishwarya Hariharan, Adv.
 Mr. Akshat Gogna, Adv.

For Impleader(s)

Mr. V Giri, Sr. Adv.
 Mr. Raghenth Basant, Adv.
 Ms. Rashmi Nandakumar, AOR
 Ms. Roopali Lakhotia, Adv.
 Mr. Shreerang Verma, Adv.
 Mr. Ajay Krishna, Adv.

For Impleader(s)

Mr. P.V. Dinesh, Adv.
 Mr. Jaimon Andrews, Adv.
 Mr. Rahul Raj Mishra, Adv.
 Mr. Bineesh K., Adv.
 Mr. Naresh Kumar, AOR

UPON hearing the counsel the court made the following
 O R D E R

Mr. Chander Uday Singh, learned senior counsel has concluded on his submissions for the petitioner(s) in SLP (Cr1.) Nos.1487-1493 of 2022 and Diary No.7364 of 2022.

Mr. Jayanth Muth Raj, learned senior counsel has made submissions on behalf of the contesting respondent(s). Mr. Jaideep Gupta, learned senior counsel has also made short submissions on behalf of

the State.

Mr. Chander Uday Singh and Mr. Siddharth Luthra, learned senior counsel have also been heard in rejoinder.

Mr. V. Giri, learned senior counsel appearing for the applicant-Shine Varghese in I.A. No.112348 of 2022 in SLP (CrI.) Nos.2849-2854 of 2022 has sought permission to be impleaded as a party respondent and an opportunity of hearing before this Court takes a final decision in these cases. Mr. Giri has submitted that the applicant had filed another complaint in the matter, involving several such issues which are related to the present matters, and therein, an FIR was registered; the police filed a negative final report; and the applicant has filed a protest petition that remains pending.

Mr. P.V. Dinesh, learned counsel appearing for the applicant-Kerala Catholic Church Reformation Movement (KCRM) in I.A. No.100539 of 2022 in SLP (CrI.) Nos.1487-1493 of 2022 has also made submissions seeking impleadment and an opportunity of hearing with the assertion that the applicant is directly interested in proper administration of the Church concerned as also its properties and seeks to assist the Court.

We are not making any comment on the protest

petition filed by the applicant of I.A. No. 112348 of 2022 or any other petition filed by the applicants but, having heard learned counsel for the applicants, particularly on the question of their locus and having regard to the subject matter of these petitions against the Judgment and Order dated 12.08.2021 passed by the High Court of Kerala in a batch of seven Criminal Miscellaneous Applications under Section 482 CrPC, we find no reason to accede locus to the applicants so as to be heard as party or even as intervenor. Therefore, the applications (I.A. No.112348 of 2022 and I.A. No.100539 of 2022) stand rejected.

Hearing concluded.

Judgment/order reserved.

Learned counsel for the parties may file short written notes of their submissions within three days from today.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Ranjana Shailey)
Court Master