

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.**

Wednesday, the 25th day of March 2026 / 4th Chaithra, 1948

RP NO. 288 OF 2026 IN JPP 1/2026(S)

REVIEW PETITIONER/3RD PARTY:

**KERALA HIGH COURT ADVOCATES ASSOCIATION (KHCAA)
REG NO ER 931/2004, HIGH COURT BUILDING, KOCHI,
REPRESENTED BY ITS PRESIDENT, PIN - 682 031.**

RESPONDENTS/PETITIONER & RESPONDENT:

- 1. SUO MOTU JPP PROCEEDINGS INITIATED BY THE HIGH COURT,
ERNAKULAM, KERALA, PIN - 682 031.**
- 2. STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
ADDITIONAL R3 & R4 IMPEADED**
- 3. BAR COUNCIL OF KERALA, REPRESENTED BY THE SECRETARY, BAR
COUNCIL BHAVAN, HIGH COURT CAMPUS, ERNAKULAM, KOCHI – 682 031**
- 4. THE STATE POLICE CHIEF, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN - 695 010.
ADDL. R3 IS SUO MOTU IMPEADED & ADDL.R4 IS IMPEADED AS PER
ORDER DATED 11/03/2026 IN RP 288/2026.**

Review Petition praying that in the circumstances stated in the affidavit filed along with the RP the High Court be pleased to review and recall the Judgment dated 13-02-2026 in JPP No. 1 of 2026 of this Hon'ble Court.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of RP, this Court's judgment dated 13/02/2026 in JPP 1/2026 & orders dated 25/02/2026 & 11/03/2026 in RP 288/2026, the court passed the following:

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WEDNESDAY, THE 25TH DAY OF MARCH 2026

RP No. 288 of 2026

KERALA HIGH COURT ADVOCATES ASSOCIATION (KHCAA)

VS

SUO MOTU JPP PROCEEDINGS INITIATED BY THE HIGH COURT &

OTHERS

ADVS FOR REVIEW PETITIONER/S:

SHRI.SHINTO MATHEW ABRAHAM, SHRI.SANTHOSH MATHEW (SR.),
SRI.ARUN THOMAS, SMT.VEENA RAVEENDRAN, SMT.KARTHIKA MARIA,
SRI.ANIL SEBASTIAN PULICKEL, SHRI.MATHEW NEVIN THOMAS,
SHRI.KARTHIK RAJAGOPAL, SHRI.KURIAN ANTONY MATHEW,
SMT.APARNNA S., SHRI.ADEEN NAZAR, SHRI.NOEL NINAN NINAN,
SHRI.ARUN JOSEPH MATHEW, SHRI.ROHAN MATHEW

ADVS FOR RESPONDENT/S:

SMT.NAYANPALLY RAMOLA



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SOUMEN SEN, C.J.
and
SYAM KUMAR V.M., J.

R.P. No.288 of 2026
in
J.P.P. No.1 of 2026

Dated: 25th March 2026

Appearance:

For the Petitioner : Mr. Shinto Mathew Abraham

For the Respondents: Ms. Nayanpally Ramola for R1

Mr. P Narayanan,
Special G.P. to DGP
Ms. Vinitha B, Sr. G.P.

ORDER

Soumen Sen, C.J.

In spite of service, the Bar Council of Kerala is not represented. The affidavits filed on behalf of the High Court and the Station House Officer (SHO) are being considered along with the affidavit filed on behalf of the review petitioner.

2. In our previous order, we had directed the Secretary of the Kerala High Court Advocates' Association to file an affidavit indicating the steps taken or proposed to be taken against the advocates who have allegedly misused their power and made

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false representations in relation to the matters presently under consideration, within a fortnight from the date of the order.

3. The affidavit filed by the President of the Bar, in paragraph 2, has stated that the Association is strictly following its bylaws and regulations and that, in the absence of any information officially received from the Hon'ble Court regarding any instance in which its member advocate has misused his power and made false representations in relation to matters before the High Court, the Association is unable, at this stage, to submit a report regarding any action taken.

4. However, it cannot be denied that the advocates responsible for misleading the Court, which may amount to an act of contempt, are to be dealt with in accordance with law at an appropriate stage if so found liable. Steps in the said regard cannot be delayed. If the Bar Association is not aware of the advocates who have allegedly misused their position as an advocate, this Court shall furnish particulars of the matters in which such advocates have misused their power and had thus interfered with the administration of justice.

5. The direction to identify the Advocates responsible has proceeded on the assumption that, when the Association has

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filed an application urging that the identification by the SHO, independent of identification by the advocate in terms of Rule 76 of the Rules of the High Court of Kerala, 1971, be reviewed, the Association must at least be aware of the members responsible for such acts which had prompted this Court to issue such an order. We expected the Bar Association to at least conduct a basic enquiry in this regard to identify the individuals and not to leave it to the Court to make a reference of the names of such persons for cancellation of their membership and for informing the Bar Council of India of such acts.

6. We cannot presume that the Bar Association is unaware of such facts; otherwise, no such application for review would have been filed.

7. It will be open for the SHO, on getting an intimation from the Government Pleader to enquire about the identity and other relevant credentials of the writ petitioner. The report to be submitted to the Public Prosecutor/ Government Pleader must include details of such enquiry carried out by the SHO concerned. If the Court feels that for the purpose of proper disposal of the writ petition seeking unfreezing of the bank

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account preferred by the petitioner, the identity of the petitioner as well as his other credentials are also required to be gone into, it is open to the court to seek such details especially since clandestine attempts had been made to unfreeze the bank accounts which have been very articulately expressed by Justice M.A. Abdul Hakim in His Lordship's Order dated 10th December 2025 in W.P. (C) No. 43123 of 2025 as well as in the order dated 12.12.2025 in W.P. (C) No. 43642 of 2025.

8. We had proceeded on the basis that the Bar Association would ascertain whether the Advocates appearing in the matters in which such defreezing orders were obtained, are members of the Kerala High Court Advocates' Association. It appears that this aspect has not been addressed in the affidavit filed on behalf of the said Association.

9. We had further proceeded on the premise that the Advocates alleged of such malpractices are members of the Association, and accordingly, by our previous order, had directed the Bar Association to file an affidavit disclosing the steps taken against such Advocates. In fact, it was on account of such malpractice as revealed from the proceedings that we

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had at one stage directed the SHO to file an affidavit disclosing the true identity of the writ petitioner in writ petitions seeking unfreezing of bank accounts. The said order was, however, subsequently modified on the request of the Association.

10. An Advocate is an officer of the Court, and the Court ordinarily relies upon the submissions and representations made by an Advocate without questioning his integrity, as it is expected that an Advocate would not misconduct himself in Court proceedings. However, it now appears that the Bar Association is unable to comment upon the Advocates responsible for such alleged malpractices.

11. Moreover, the power of the Court to seek information regarding the writ petitioner or his credentials cannot be whittled down in any manner whatsoever. In view of the manner in which de-freezing orders are being obtained, it would be open to the Court to call for an independent report from the SHO or to require the presence of the writ petitioner, so as to ensure that the purity of the judicial process is maintained.

12. It will also be open to the court concerned before which the malpractice is revealed to refer the matter for

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appropriate action to the Secretary of the Bar Council. The said authority shall treat the communication as a complaint and take appropriate action in accordance with law.

13. We had vide our order dated 25.02.2026 modified our earlier order dated 13.02.2026 which held that the filing of affidavit by the Station House Officer shall not be necessary. It is hereby further clarified that it shall be open to the court concerned if it deems fit and proper in the facts to call for a further report from the SHO concerned if the circumstances so warrant.

14. The order dated 13th February 2026, as modified by the order dated 25th February 2026, stands further modified to the aforesaid extent. The matter stands adjourned to 03.06.2026.

Sd/-

SOUMEN SEN
CHIEF JUSTICE

Sd/-

SYAM KUMAR V.M.
JUDGE

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