

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A. BADHARUDEEN**

**Thursday, the 6th day of August 2026 / 15th Sravana, 1948
CRL.A NO.1057 OF 2026**

SC 231/2016 OF SESSIONS COURT, KALPETTA

APPELLANTS/ACCUSED A1,A3,A5 AND A11:

1. M. GEETHANANDAN, AGED 72 YEARS, S/O.PANAYAN AMBU, PADANNA GARDEN, KANNUR (A1), PIN - 670001.
2. BINU, AGED 54 YEARS, SOMAN, CHAVADI VEDAN COLONY, KANJIRAMKULAM, NEYYATTINKARA, THIRUVANANTHAPURAM (A3), PIN - 695121.
3. REMASAN, AGED 53 YEARS, S/O.RAJANAKAM, KOYALIPURA PANIYA COLONY, NAIKETTY, THELAMBATTA, MOOLANKAVU P.O., SULTHANBATHERY (A5), PIN - 673592.
4. ANILKUMAR, AGED 48 YEARS, THIMMAN, CHUNTAPADY, NAIKAR COLONY, THIRUNELLI (A11), PIN - 670646.

RESPONDENTS/STATE/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031.
2. DEPUTY SUPERINTENDENT OF POLICE, CBI/SCB/ MAIN OFFICE IN CHENNAI, A WING, IIIRD FLOOR, RAJAJI BHAVAN, BESANT NAGAR, CHENNAI, PIN - 600090.

This Criminal appeal having come up for orders on 06.08.2026, upon perusing the appeal and upon hearing the arguments of M/S.K.S.MADHUSOODANAN, M.M.VINOD KUMAR, P.K.RAKESH KUMAR, K.S.MIZVER, Advocates for the appellants and the PUBLIC PROSECUTOR for the respondent, the court passed the following:

P.T.O.

A. BADHARUDEEN, J.

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Crl.A. No.1057 of 2026

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Dated this the 6th day of August, 2026

ORDER

There is no representation for the 2nd respondent, CBI.

2. The learned Public Prosecutor takes notice for the 1st respondent.

3. The learned Public Prosecutor is directed to inform Adv. Sreelal N. Warriar regarding this appeal. Since it is submitted by the learned counsel for the appellants that the appellants were convicted only with the aid of Section 120B of the IPC, that too, on a finding that Section 120B of the IPC was **prima facie** attracted, the learned Sessions Judge is directed to forward a copy of the court charge framed in this case for the perusal of this Court.

4. It is true that in paragraph No. 247, the learned Sessions Judge found that "the offence under Section 120B of the Indian Penal Code is **prima facie** attracted against the accused persons A1, A2, A3, A5 and A11 alone".

5. On pointing out the above portion, the learned counsel for the appellants argued that **prima facie** finding is not sufficient to enter into

conviction in the place of conclusive proof of the allegations. This argument would require consideration.

Post along with the court charge on 11.08.2026 for admission, hearing and for hearing in Crl.M.A.No.1 of 2026.

Sd/-
A. BADHARUDEEN
JUDGE

GBG

