

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Monday, the 10th day of August 2026 / 19th Sravana, 1948

CRL.M.APPL.NO.5/2026 IN CRL.A NO.609 OF 2026

**BA 444/2026 OF ADDITIONAL SESSIONS COURT - IV, THALASSERY
APPLICANTS/RESPONDENTS 3 AND 4 IN APPEAL:**

- 1. LATHA, CHALACKKADU THADATHARIKATHU
VEEDU, UZHAMALACKAL, PUTHUKULANGARA, THIRUVANANTHAPURAM DISTRICT, PIN - 695541.**
- 2. RAJAN V.N., AGED 54 YEARS, S/O.YOVAN, CHALAKKAD THADATHARIKATHU
VEEDU, PUTHUKULANGARA P. O., NEDUMANGAD, THIRUVANANTHAPURAM - 695541.
(IMPLEADED AS ADDITIONAL 4TH RESPONDENT AS PER ORDER DATED
26.05.2026 IN CRL.M.A.2/2026.)**

RESPONDENTS/STATE-RESPONDENTS 1 AND 2 AND APPELLANT - ACCUSED IN THE APPEAL:

- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, PIN - 682031.**
- 2. THE STATION HOUSE OFFICER, CHAKKARACKAL POLICE STATION, MOUWANCHERY P.O., KANNUR DISTRICT PIN - 670613.**
- 3. DR M KODANDA RAM, AGED 53 YEARS, S/O.MUNIYAPPA SAAWAN NEAR EDESA CONVENT HOSTEL, EDACHERRY ROAD PALLIKUNNU P. O., KANNUR, PIN - 670004.**

Application praying that in the circumstances stated therein the High Court be pleased to issue appropriate directions to the investigating agency to place before this Hon'ble Court a detailed and updated status report of the investigation conducted till date/compliance Affidavit, specifically disclosing the present status of investigation, steps taken to secure the apprehension of the first accused after the judgment dated 19.06.2026 passed by this Hon'ble Court in the above appeal.

This Application coming on for orders upon perusing the application and judgment dtd 19.06.2026 in CRL.A 609/2026 and orders dtd 22.07.26 & 24.07.26 in Crl.MA Nos 5&6 of 2026 respectively therein and upon hearing the arguments of Smt. Parvathi Menon A., Advocate for the applicant/Respondent No.4 (Legal Aid Counsel) and of the PUBLIC PROSECUTOR for the 1st and 2nd respondents, the court passed the following:

P.T.O.

A. BADHARUDEEN, J.**Crl. M.A. Nos. 5 & 6 of 2026 in
Crl.A.No. 609 of 2026**

Dated this the 10th day of August, 2026

ORDER

Today, a Government Order, viz., G.O.(Rt) No.2587/2026/HOME dated 05.08.2026, issued by the Additional Chief Secretary, Sri. Minhaj Alam, IAS, has been produced by Sri. Rasheed C. Nooranad, the learned Special Government Pleader appearing for the State of Kerala. The relevant paragraphs of the Government Order reads as follows:

“The report states that the accused was taken into custody on 20.07.2026 at about 5.00 am. from Perumpadi. Kamataka, and his arrest was formally recorded at the Crime Branch Office. Kannur, at about 9.00 a.m. on the same day. He was thereafter produced before the Hon'ble Principal District & Sessions Court, Thalassery.

The enquiry conducted by the Additional Director General of Police (Crime Branch) found serious procedural lapses in the arrest and investigation. The statutory notices purportedly issued under Sections-35(1) (b)(ii) and 47 of the Bharatiya Nagarik Suraksha Sanhita were not prepared in accordance with the prescribed legal requirements. Although the accused is a native of Andhra Pradesh, the notices were issued only in

Malayalam and the Investigating Officer failed to ensure that their contents were explained to or understood by the accused in a language known to him. The Arrest Memo was also found to contain an incorrect date, indicating lack of due diligence in the preparation of arrest-related records.

The enquiry further revealed that Sri. Sudheer Kallen, Deputy Superintendent of Police, Crime Branch, Kannur & Kasaragod Unit, who was the Investigating Officer, failed to properly brief the learned Public Prosecutor regarding the facts of the case, the materials collected during investigation and the necessity for custodial interrogation. Consequently, the prosecution could not effectively oppose the release of the accused before the Hon'ble Court. It was also found that the Investigating Officer did not file an application seeking police custody of the accused, thereby losing the opportunity to secure custodial interrogation, which was considered essential for the effective progress of the investigation.

The report states that the cumulative effect of the above procedural lapses, coupled with the careless and negligent approach of the Investigating Officer and the police personnel who assisted him in the preparation of the arrest-related documents, resulted in the release of the accused, adversely affected the progress of the investigation and caused considerable embarrassment to the investigating agency before the Hon'ble Court. Accordingly, the State Police Chief has recommended to initiate appropriate disciplinary action against Sri. Sudheer Kallen, Deputy

Superintendent of Police, Crime Branch, Kannur & Kasaragod Unit (PEN No. 187628), under the KPDIP&A Rules.

Government have examined the matter in detail. The observations and directions of the Hon'ble High Court and the findings of the enquiry conducted by the Superintendent of Police, Wayanad and forwarded by the Additional Director General of Police (Crime Branch), as accepted and forwarded by the State Police Chief, substantially converge on the serious procedural deficiencies in the arrest and investigation, particularly the failure to furnish the grounds of arrest to the accused and the lapses attributable to the Investigating Officer and the delinquent DySP submitted in the Court that he had made several arrests and in his last ten arrests, none of the accused was released on the ground of non-furnishing of grounds of arrest. It is prima facie seen that serious procedural lapses were occurred in the arrest and investigation.

In view of the above, an oral enquiry under Rule 6 of the Kerala Police Departmental Inquiries, Punishment and Appeal Rules (KPDIP&A Rules) is ordered against Sri. Sudheer Kallen, Deputy Superintendent of Police, Crime Branch, Kannur & Kasaragod Unit (PEN No.187628).

The State Police Chief shall suggest a panel of competent enquiry officers for being appointed as enquiry officer."

2. On reading the Government Order extracted above, the wordings in the Government Order are self speaking to see *prima facie* that there are serious lapses on the part of the Dy.SP., who had made submission before this Court, that in his last 10 arrests, no accused was sent back on finding non-compliance of the mandatory formalities of arrest. But even on finding serious lapses, no immediate action was taken by the Government. Now, the Government order would show that 'a panel of competent enquiry officers being appointed as Enquiry Officer'.

3. On going through the finding of the ADGP (Crime Branch), as could be seen from the Government order, the same would show foundation for immediate coercive action. When the learned Special Government Pleader was asked why coercive action failed to be taken against the officer, in this background, he has given a shocking reply that, if Dy.SP would be suspended, he would get stay order from the Court and Government wanted to avoid such a stay order. This Court is totally dissatisfied with the submission given by the Special Government Pleader and this Court never expected such a reply from him, since the Government even suspended a Senior Police Officer holding the post of ADGP on finding lapses on his part, very recently. Since the statement of the Government as submitted by the learned Special Government Pleader is totally

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unsatisfactory, this Court is compelled to pass an exhaustive order ensuring effective steps to find out the seriousness of the allegations in a meaningful manner by getting the call details of the Dy.SP to find who are the persons constantly contacted the Dy.SP during the period of arrest.

Post on 17.08.2026, for the said purpose.

**Sd/- A.BADHARUDEEN,
JUDGE**

lsn

