

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI
&
THE HONOURABLE MR.JUSTICE V.G.ARUN

Friday, the 21st day of June 2024 / 31st Jyaishta, 1946
WA NO. 841 OF 2024

AGAINST JUDGMENT DATED 06.06.2024 IN WP(Crl.) 575/2023 OF THIS COURT
APPELLANT(S)/4TH RESPONDENT:

SIBY MATHEWS AGED 71 YEARS
S/O.JOSEPHMATHEW, TC.14/229, SILVERHILLS, ANAYARA.P.O, THIRUVANANTHAPURA
M **ADDL.R4.IMPLEADED AS PER ORDER DATED 04/06/2023 IN IA 1/23**,
PIN - 695029

BY ADV.M.BAIJU NOEL

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 TO 3:

1. K.K.JOSHWA AGED 71 YEARS S/O KUNJUMMEN, KALEEKKAL, SNRA 81, SURYA NAGAR, POWDIKONAM P.O., THIRUVANANTHAPURAM, PIN - 695588
2. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. DISTRICT POLICE CHIEF THIRUVANANTHAPURAM CITY, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014
4. STATION HOUSE OFFICER MANNANTHALA POLICE STATION, MANNANTHALA P.O., THIRUVANANTHAPURAM, PIN - 695043

BY ADV.NANDAGOPAL.S.KURUP FOR R1

SENIOR GOVERNMENT PLEADER FOR R2 TO R4.

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to stay the operation of the judgment dated 06-06-2024 in W.P.(Crl).No.575 of 2023 in the interest of justice

This Writ Appeal coming on for orders on 21.06.2024 upon perusing the appeal memorandum, the court on the same day passed the following:

A. J. DESAI, C. J. & V. G. ARUN, J.

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W. A. No. 841 of 2024

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Dated this the 21st day of June, 2024

ORDER

A. J. Desai, C. J.

Admit.

2. Advocate Nandagopal S. Kurup takes notice for the 1st respondent. Learned Senior Government Pleader takes notice for respondents 2 to 4.

3. Learned counsel for the 1st respondent would submit that, subsequent to the direction issued by the learned Single Judge in the judgment impugned, an FIR has been registered.

4. We have gone through the judgment impugned in this appeal. The observations made by the learned Single Judge recording that there is a prima facie case, in our opinion, is required to be stayed, since there would be no alternative for the investigating agency to proceed further, in accordance with law, in connection with the FIR registered in this case. Hence, till the next

date of hearing, there would be a stay against quashment of Ext. P7. It would be open for the appellant, i.e. the accused in the FIR registered subsequent to the impugned judgment passed by the learned Single Judge, to challenge the same, in accordance with law.

Post on 12.08.2024.



Sd/-
A. J. DESAI
CHIEF JUSTICE

Sd/-
V. G. ARUN
JUDGE

Eb

Exhibit P7

TRUE COPY OF THE NOTICE DATED 05.03.2023 ISSUED BY THE
SECOND RESPONDENT TO THE PETITIONER

