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11 June 2024

To,

The Hon'ble Chief Justice,
Supreme Court of India,
New-Delhi – 110 001

Sir,

SUB: Involvement of Justice (Retd) Mary Joseph with the
'Narcotics Lobby'.

REF: Release of convicts in NDPS cases without Judgment.

1. I am constrained to bring your immediate attention to one of the most disturbing acts of a High Court Judge who allowed convicts in NDPS cases released from prison without writing judgments. Convicts under the NDPS Act should not be equated with convicts under heinous crimes under IPC. NDPS convicts cause havoc in the society and the State of Kerala is reeling under abuse of narcotics making it a social issue changing the very fabric of a peaceful society.
2. The facts stated in this letter is disturbing to say the least and will make it clear that the entire act is planned. Unfortunately, the system failed to take corrective actions even when the same was pointed out. I will first get to the facts first so that the manipulation is first clear and thereafter point out the modus operandi and then point out how the system failed itself and let Justice Mary Joseph get into the High Court of Kerala.

The cases where NDPS Convicts were let out without a Judgment

3. The Trial Court had convicted 4 persons in an NDPS case with commercial quantities of narcotics. All four filed separate appeals. The number of the four cases are Crl.A 162/2021, Crl.A 99/2021, Crl.A 130/2021 & Crl.A 714/2021. Once Justice Mary Joseph got the assignment, 3 of these cases gets a 'special' treatment. It is called out of turn and the speed with which it moved was different from other cases. A copy of the status of these three cases from the website of High Court of Kerala is annexed as **Annexure-A Colly**. From the status of the cases, it can be noted that Crl.A 162 & 130 is on fast forward mode and on the date on which Judgment is reserved, Crl.A 99/2021 is pulled in. Judgment was reserved on 22.10.2021. Then there was a complete lull for a little over 21 months. Then on 31.07.2023, all three Crl.A are allowed. The convicts are released from prison on the base of release order. Till the date of retirement of Justice Mary Joseph, i.e 2 June 2024 no Judgment was passed. In short, even after 2 years and 7 months of reserving a Judgment, no order is passed but criminal convicts were released.
4. What is shocking is that Crl.A 714/2021 arising out of the same Trial Court Judgment was not heard and the same is still pending. A copy of the status of Crl.A 714/2021 along with the release of the convict on bail is annexed as **Annexure-B colly**. The order releasing the convict makes it clear that the Judgment is 'not uploaded and hence not available'. Justice Mary Joseph occupied the chair of a District Judge for almost 15 years and if she had heard the case properly, she would know that there were four convicts and the least she could have roped in the 4th case in the same manner she had roped in Crl.A 99/2021.
5. The trial Court in another case had convicted two persons in an NDPS case. Both filed separate appeals viz. Crl.A 322/2021 and Crl.A 545/2021. The

status of these cases is annexed as **Annexure-C** colly. This also got special treatment but what is strange is that even when both these cases arose from the same judgment, the matters were heard separately and order was reserved on 31.07.2023. The convicts were released on 1.08.2023 itself on release order without Judgment. Till the date of retirement of Justice Mary Joseph, i.e 2 June 2024 no Judgment was passed.

Modus Operandi and the failure of system to take notice

6. I had given a complaint to the Registrar (Vigilance) on 1 June 2023 in which I had explained how ‘unnatural demand’ was created in the court of Justice Mary Joseph. A copy of my complaint is annexed as **Annexure-D**. The moment I got to know about these 5 cases, I started tracking them meticulously. I did not give specific information because I had an earlier experience where inhouse complaint filed with the Chief Justice was rejected even when prima facie case was made out in the order sheet itself.
7. Justice Mary Joseph after starting to sit in single Bench slowly started to curtail her list contrary to the orders of the Hon’ble Supreme Court in *State of Rajasthan Vs. Prakash Chand* [(1998) 1 SCC 1]. I had complained to the then Chief Justice that Judges cannot interfere with the listing process and when the Chief Justice failed to take any action, I had filed a Writ Petition which was numbered as W.P (C) 6912 of 2023. During my submissions, I specifically pointed out to the dangers of interfering with the ‘listing process’. Justice Mary Joseph has restricted her list to 20 matters. I had specifically submitted that when the list is curtailed to 20 matters, the issue is not just about curtailing the list, but ‘which 20 matters’ would be listed? I had in my complaint to the Registrar (Vigilance) pointed out to Adv.Prerith Philip, the son of Justice Mary Joseph who every day accessed the chambers of Justice Mary Joseph. In fact, Justice Mary Joseph had given an order in a matter where her son had filed a vakalath. Only when I

filed a Writ Petition did Justice Mary Joseph issue order to ‘avoid’ her son and his colleagues in her court. Unfortunately, even the learned single Judge ignored the decision of the Hon’ble Supreme Court and allowed curtailing of the list. What is unfortunate is that the Learned Single Judge used Judgment as a weapon and used 10 paras to personally attack me. I filed a Writ Appeal before the Division Bench which was numbered as W.A 1316 of 2023 and even that was dismissed on the basis of an Office Memorandum (which was withdrawn soon after passing of the order) with personal remarks against me.

8. The system failed thrice. First, the Registrar (Vigilance) did not even think it proper to call me and take my statement let alone inquire or investigate. The learned Single Judge after having understood the dangers failed to take corrective steps even when the issue was clearly covered by the order of the Hon’ble Supreme Court. The learned single judge used his judgment to personally attack me. When writ appeal was filed, the Division Bench after having understood the issue instead of correcting it used an office memorandum to justify their dismissal of the matter and again personally attacked me.

The Elevation of Justice Mary Joseph

9. Justice Mary Joseph was elevated as a Judge of High Court of Kerala on 10.04.2015 when both her ‘integrity’ and ‘ability’ were questioned. I have been informed that Justice Mary Joseph dealt only with abkari matters and did not write a single judgment involving murder or a single contested civil appeal. Yet she made it to ‘selection grade’. There was a complaint with the Special Judge vigilance, Thrissur filed on 8 January 2015 that raises serious questions on her integrity. A copy of the complaint that was before the Vigilance Judge is annexed as **Annexure-E**. I am told that this complaint was also with the Registrar (Vigilance) of the High Court of

Kerala and one of the collegium members had raised the issue. Unfortunately, she made it through the system and was elevated as a High Court Judge.

The Role of the State Law Officers

10. The role of State Law officers needs no explanation. The five cases pointed out alone is sufficient to point out their absolute failure. This failure is willful because they did not just fail in leading arguments, but what they failed is in bringing the attention of the court that there is a 4th accused who also need to be roped in while hearing only 3 appeals. They failed when the court heard the two appeals from the same judgment on different dates.
11. The role of State Law officers should not be brushed aside as negligence. I am analysing more orders and I am enough materials to point out the existence of a ‘narcotics lobby’ which is very powerful. I bring your attention to a judicially sound order in *Gangadharan Vs. State* [Neutral Citation: 2023:KER: 82349] which would cause havoc to the State as regards prosecuting narcotics cases. The order is based on sound judicial principles, but the State has failed to appeal the same because as a consequence of the order, a majority of narcotics cases will go untried because of ‘vitiating investigation’ and even convicted criminals could challenge their conviction based on this order. This Judgment alone has the ability of letting off the Narcotic offenders back to the society on technical grounds. There are a handful of Bail orders that I am analysing in which the role of the State Law Officers is doubtful.
12. I have already exposed a ‘quarry lobby’ that functions through the State Law officers who played a crucial role in staying a Judgment of the Hon’ble Supreme Court by the High Court of Kerala. The ‘quarry lobby’ and the ‘narcotics lobby’ are deeply entrenched in the system.

The System continues to fail

13. After the Retirement of Justice Mary Joseph, she continued to visit her chambers in the High Court of Kerala and continued writing Judgments. I addressed a letter to the Hon'ble Chief Justice on 7 June 2024 pointing out this fact. A copy of the said letter is annexed as **Annexure-F**. I have my doubts on what steps have been taken because Justice (Retd) Mary Joseph continues to write Judgments.
14. The five NDPS cases mentioned above was prepared by Justice Mary Joseph soon after the story of my letter became public. The AG Office and the Advocates had applied for certified copies of the orders in these cases. In Crl.A 99/2021 & 162/2021, applications were filed on 1.8.23 and 31.7.23. In Crl.A 545/2021 and 322/2021 applications were filed in 2023. Today, i.e 11 June 2024, the Registry has called for stamp to release the copies.
15. After having allowed the applications, Justice Mary Joseph did not write the Judgement for 10 months and finds time to write them after retirement. This has been held to be gross Judicial impropriety by the Hon'ble Supreme Court in *State Vs. Naresh Prasad Agarwal & otrs* [Order dated 13 Feb 2024 in SLP (criminal) No. 2210-2211 of 2024]. The Hon'ble Supreme Court was pleased to quash and set aside the order in that case.
16. I am told that Justice (Retd) Mary Joseph has applied for several post retirement jobs. In fact, on her last day in the Court, she has pronounced an order in an election Petition numbered as Ele.Petn 10/2021 in which she 'dismissed' the Petition and she is yet to write a Judgment on it. I am told that this is a 'quid pro quo' for a post retirement job.
17. I have only stated facts above and I leave it to your Lordship to assess whether it is a case of Judicial Indiscipline, Judicial Impropriety or Judicial

Corruption. However, these facts clearly point out how person with doubtful integrity made it into the system and caused havoc in the system that has its immediate effect on the society and the People. This also brings to the fore the inability of the system to churn out the blacksheeps. Justice Deepak Gupta in his farewell speech stated that Judicial Independence is not very difficult to achieve as long as we see the Judicial Institution different from the individuals. In this case, in the name of Judicial Independence, Reputation and integrity we failed to put a check on a Judge who blatantly violated all norms and the system failed to respond to correct a wrong. What is most damaging is that a person who raised the issue with evidence was attacked by the system by ‘framing him’ under Contempt law and ‘disciplinary proceedings’. A detailed letter will address that issue because to get the full picture, the involvement of another lobby, i.e the ‘Quarry lobby’ also needs to be understood. It is my unwavering belief in Rule of Law and its ability to deliver Justice that has made me stand up and fight for this cause. In the name of protecting the reputation of the Judicial Institution, the system was unleashing convicts under the NDPS Act on the very people on whose faith the very institution survives.

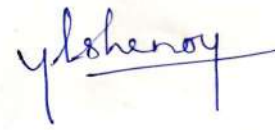
In the Light of the above facts, I humbly request your Lordship to:

- A. Suo Motu call for the judgments in these cases and quash and set aside the orders in the five NDPS criminal appeals.
- B. Refer the case of Justice Mary Joseph to the Central Bureau of Investigations to investigate the nexus between the Judge and the ‘Narcotic lobby’.
- C. Call for a report from the Chief Justice of the High Court of Kerala that would show when these judgments were prepared and signed (All computers will show when the document was prepared and

when the print outs were taken) and all officials responsible for the same and take disciplinary action against those registry officials.

D. Suo Motu call for the order in *Gangadharan Vs. State* [Neutral Citation: 2023:KER: 82349] and issue notice to the Advocate General so as to take effective measures to ensure that narcotic offenders and convicts are not let back to the society.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'yeshwanth shenoy', with a horizontal line underneath the name.

Yeshwanth Shenoy

ENCL:

All Annexures mentioned in the letter

COPY TO:

1. The Chief Justice, High Court of Kerala.
2. The Ministry of Law & Justice
3. The Director, Central Bureau of Investigations

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	DISPOSED
Filing Number	CRL.A 4454/2021	Filing Date	04-03-2021
Registration Number	CRL.A 162/2021 (B)	Registration Date	04-03-2021
CNR Number	KLHC010153352021	E-File NO	Offline
Disposed date	31-07-2023		

CASE STATUS			
First Hearing Date	Friday, the 05th day of March 2021		
Decision Date	Monday, the 31st day of July 2023		
Case Status	DISPOSED		
Nature of Disposal	ALLOWED		
Coram	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH		
Bench	Single		
Last listed Details	Date : 31-07-2023	Bench: 4292 - HONOURABLE MRS. JUSTICE MARY JOSEPH	List : Separate List 2 Item : 101

CONNECTED CASES	
Connected List	CRL.A No.99/2021 , CRL.A No.130/2021
PETITIONER AND ADVOCATE	
1	Petitioner : SHINO JOHN , Age : 42 Years Petitioner Advocate : P.K.SAJEEVAN, SRI.V.M.BIJUMON, SRI.T.ASAFALI, SRI.M.K.FAISAL

RESPONDENT AND ADVOCATE	
1	Respondent : STATE OF KERALA Respondent Advocate : GOVERNMENT PLEADER

SERVED ON	
PUBLIC PROSECUTOR- SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	374 (2)

TRIAL COURT INFORMATION	
First Appellate Court	
Court Number and Name : SPECIAL COURT (NDPS ACT CASES), THODUPUZHA	
Case Number and Year : SC 35/2018	
Trial Court Information	
Court Number and Name :	
Case Number and Year :	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	CrI.M.Appl/1/2021	04-03-2021	PENDING	SUSPENSION OF SENTENCE	SHINO JOHN	
2	CrI.M.Appl/2/2021	04-03-2021	PENDING	RECEIVING ADDITIONAL DOCUMENTS	SHINO JOHN	
3	CrI.M.Appl/1/2023	14-06-2023	PENDING	INTERIM ORDERS	SHINO JOHN	
4	CrI.M.Appl/2/2023	14-06-2023	PENDING	SUSPENSION OF SENTENCE	SHINO JOHN	

VERDICTUM.IN

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
1/2021	14-09-2021	OBJECTION		STATE OF KERALA	GOVERNMENT PLEADER	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 2	4412-HONOURABLE MR.JUSTICE V.G.ARUN	05-03-2021	18-03-2021	ADMISSION	POST ON 18/3/21.OBJECTION IF ANY TO BE FILED IN THE MEANWHILE - Adjourned
2	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	18-03-2021	25-03-2021	ADMISSION	POST ON 25/3/21.OBJECTION IF ANY TO BE FILED BEFORE THAT - Adjourned
3	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	25-03-2021	17-05-2021	ADMISSION	POST ON 17/5/21 - Adjourned
4	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	17-05-2021		ADMISSION	POST ON 1/6/21.PP SEEKS TWO WEEKS TIME TO FILE OBJECTIONS - Adjourned
5	Chamber list 2	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	01-06-2021		ADMISSION	ORDER.POST AFTER 10 DAYS
6	Chamber list 2	4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	23-06-2021	21-07-2021	ADMISSION	call for entire lcr. post on 21/07/2021
7	Chamber list 2	4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	22-07-2021		ADMISSION	post for hearing a/w c/c after onam holidays.
8	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	26-08-2021		FOR HEARING	POST ON 2/9/21
9	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	02-09-2021		FOR HEARING	POST TOMORROW
10	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	03-09-2021		FOR HEARING	ORDER...POST ON 14/9/21
11	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	14-09-2021		FOR HEARING	POST FOR PHYSICAL HG ON 28/9/21..
12	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	06-10-2021		FOR HEARING	POST TOMORROW
13	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	07-10-2021		FOR HEARING	POS TOMORROW A/W C/CASES
14	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	08-10-2021		FOR HEARING	ADJOURNED.POST TOMORROW
15	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	11-10-2021		FOR HEARING	POSTTOMORROW
16	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	12-10-2021		FOR HEARING	POST TOMORROW
17	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	13-10-2021		FOR HEARING	POST ON 21/10/21 A/W C/CASES
18	Chamber list 2	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	21-10-2021		FOR HEARING	POST TOMORROW
19	Chamber list 2	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	22-10-2021		FOR HEARING	JUDGMENT RESERVED
20		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-07-2023			Allowed

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	

CATEGORY DETAILS
Category : 24.01 Criminal Appeal - NDPS Act (88)
Sub Category : 165.000 NDPS ACT (2124)

VERDICTUM.IN

OBJECTION	
#	Objection
1	All Objections are Complied

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	DISPOSED
Filing Number	CRL.A 3521/2021	Filing Date	18-02-2021
Registration Number	CRL.A 130/2021 (C)	Registration Date	18-02-2021
CNR Number	KLHC010118982021	E-File NO	Offline
Disposed date	31-07-2023		

CASE STATUS				
First Hearing Date	Friday, the 19th day of February 2021			
Decision Date	Monday, the 31st day of July 2023			
Case Status	DISPOSED			
Nature of Disposal	ALLOWED			
Coram	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH			
Bench	Single			
Last listed Details	Date : 31-07-2023	Bench: 4292 - HONOURABLE MRS. JUSTICE MARY JOSEPH	List : Separate List 2	Item : 2.2

CONNECTED CASES	
Connected List	CRL.A No.99/2021
PETITIONER AND ADVOCATE	
1	<p style="text-align: center;">Petitioner : ANJUMON , Age : 41 Years</p> <p>Petitioner Advocate : V.JOHN SEBASTIAN RALPH,SRI.V.JOHN THOMAS,SHRI.VISHNU CHANDRAN,SHRI. RALPH RETI JOHN,KUM. KEERTHANA SUDEV,SHRI.APPU BABU,SMT.SHIFNA MUHAMMED SHUKKUR</p>

RESPONDENT AND ADVOCATE	
1	<p style="text-align: center;">Respondent : STATE OF KERALA</p> <p>Respondent Advocate : PUBLIC PROSECUTOR</p>

SERVED ON	
PUBLIC PROSECUTOR-SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	374

TRIAL COURT INFORMATION	
First Appellate Court	
Court Number and Name : SPECIAL COURT (NDPS ACT CASES), THODUPUZHA	
Case Number and Year : SC 35/2018	
Trial Court Information	
Court Number and Name :	
Case Number and Year :	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	Crl.M.Appl/1/2021	18-02-2021	PENDING	SUSPENSION OF SENTENCE	ANJUMON	
2	Crl.M.Appl/2/2021	15-09-2021	PENDING	RECEIVING ADDITIONAL DOCUMENTS	ANJUMON	
3	Crl.M.Appl/1/2022	20-01-2022	PENDING	INTERIM ORDERS	ANJUMON	
4	Crl.M.Appl/2/2022	09-02-2022	PENDING	INTERIM ORDERS	ANJUMON	
5	Crl.M.Appl/3/2022	07-10-2022	PENDING	INTERIM ORDERS	ANJUMON	

VERDICTUM.IN

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
1/2021	14-09-2021	MEMO BY GP		STATE OF KERALA	PUBLIC PROSECUTOR	
2/2021	17-09-2021	OBJECTION		STATE OF KERALA	PUBLIC PROSECUTOR	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 2	4412-HONOURABLE MR.JUSTICE V.G.ARUN	19-02-2021	22-02-2021	ADMISSION	POST ON 22/2/21 - Adjourned
2	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	22-02-2021		ADMISSION	ADMIT.PP TAKES NOTICE. CALL FOR LCR URGENTLY AND POST ON RECEIPT OF LCR A/W CRL.A 99/21
3	Chamber list 9	4545-HONOURABLE MR. JUSTICE GOPINATH P.	04-05-2021	07-05-2021	PETITIONS	POST ON 7.5.2021 A/W CONNECTED CASE - Adjourned
4	Chamber list 5	4545-HONOURABLE MR. JUSTICE GOPINATH P.	07-05-2021	17-05-2021	PETITIONS	POST ON 17.5.2021
5	Chamber list 1	4290-HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR	17-05-2021		PETITIONS	POST ON 2.6.2021. FILE OBJECTION IF ANY.
6	Chamber list 3	4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	02-07-2021		PETITIONS	call for a fresh report regarding the prtent stage of the petitioner and if he had undergone treatment as ordered by this court earlier for a period of one year and what is the result.whether he requires further treatment. the jail superintendent shall obtain a report from the junior consultant psychaitrist within three weeks. post a/w report and c/c on 23/07/2021
7	Chamber list 2	4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	22-07-2021		ADMISSION	post for hearing a/w c/c after onam holidays.
8	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	26-08-2021		FOR HEARING	POST ON 2/9/21
9	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	02-09-2021		FOR HEARING	POST TOMORROW
10	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	02-09-2021		FOR HEARING	POST TOMORROW
11	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	03-09-2021		FOR HEARING	ORDER...POST ON 14/9/21
12	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	03-09-2021		FOR HEARING	ORDER...POST ON 14/9/21
13	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	03-09-2021		FOR HEARING	ORDER...POST ON 14/9/21
14	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	14-09-2021		FOR HEARING	POST FOR PHYSICAL HG ON 28/9/21..
15	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	14-09-2021		FOR HEARING	POST FOR PHYSICAL HG ON 28/9/21..
16	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	06-10-2021		FOR HEARING	POST TOMORROW
17	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	07-10-2021		FOR HEARING	POS TOMORROW A/W C/CASES
18	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	08-10-2021		FOR HEARING	ADJOURNED.POST TOMORROW
19	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	11-10-2021		FOR HEARING	POSTTOMORROW

VERDICTUM.IN

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
20	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	12-10-2021		FOR HEARING	POST TOMORROW
21	Separate List 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	13-10-2021		FOR HEARING	POST ON 21/10/21 A/W C/CASES
22	Chamber list 2	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	21-10-2021		FOR HEARING	POST TOMORROW
23	Chamber list 2	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	22-10-2021		FOR HEARING	JUDGMENT RESERVED
24		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-07-2023			Allowed

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	

CATEGORY DETAILS	
Category : 24.01 Criminal Appeal - NDPS Act (88)	
Sub Category : 165.000 NDPS ACT (2124)	

OBJECTION	
#	Objection
1	All Objections are Complied

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	DISPOSED
Filing Number	CRL.A 2460/2021	Filing Date	03-02-2021
Registration Number	CRL.A 99/2021 (G1)	Registration Date	08-02-2021
CNR Number	KLHC010079402021	E-File NO	Offline
Disposed date	31-07-2023		

CASE STATUS			
First Hearing Date	Tuesday, the 09th day of February 2021		
Decision Date	Monday, the 31st day of July 2023		
Case Status	DISPOSED		
Nature of Disposal	ALLOWED		
Coram	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH		
Bench	Single		
Last listed Details	Date : 31-07-2023	Bench: 4292 - HONOURABLE MRS. JUSTICE MARY JOSEPH	List : Separate List 2 Item : 101.1

CONNECTED CASES	
This case is connected to - CRL.A No.130/2021	
PETITIONER AND ADVOCATE	
1	Petitioner : BIJU , Age : 40 Years Petitioner Advocate : P.VIJAYA BHANU (SR.),SRI.P.M.RAFIQ,SRI.M.REVIKRISHNAN,SRI.VIPIN NARAYAN,SRI.V.C.SARATH,SRI.AJEESH K.SASI,SMT.POOJA PANKAJ,SRUTHY N. BHAT

RESPONDENT AND ADVOCATE	
1	Respondent : STATE OF KERALA Respondent Advocate : GOVERNMENT PLEADER

SERVED ON	
PUBLIC PROSECUTOR- SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	374(2)

TRIAL COURT INFORMATION	
First Appellate Court	
Court Number and Name : SPECIAL COURT (NDPS ACT CASES), THODUPUZHA	
Case Number and Year : SC 35/2018	
Trial Court Information	
Court Number and Name :	
Case Number and Year :	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	Crl.M.Appl/1/2021	08-02-2021	PENDING	SUSPENSION OF SENTENCE	BIJU	
2	Crl.M.Appl/2/2021	29-04-2021	PENDING	SECTION 8 OF THE KERALA HIGH COURT ACT, 1958	BIJU	

VERDICTUM.IN

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
1/2021	20-07-2021	MEMO FOR		STATE OF KERALA	GOVERNMENT PLEADER	
2/2021	14-09-2021	OBJECTION		STATE OF KERALA	GOVERNMENT PLEADER	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 2	4412-HONOURABLE MR.JUSTICE V.G.ARUN	09-02-2021	17-02-2021	ADMISSION	POST ON 17/2/21 - Adjourned
2	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	17-02-2021	22-02-2021	ADMISSION	POST ON 22/2/21 - Adjourned
3	Chamber list 1	4412-HONOURABLE MR.JUSTICE V.G.ARUN	22-02-2021		ADMISSION	ADMIT.PP TAKES NOTICE. CALL FOR LCR. ORDER.
4	Chamber list 9	4545-HONOURABLE MR. JUSTICE GOPINATH P.	04-05-2021	07-05-2021	PETITIONS	POST ON 7.5.2021 A/W CONNECTED CASE - Adjourned
5	Chamber list 5	4545-HONOURABLE MR. JUSTICE GOPINATH P.	07-05-2021	17-05-2021	PETITIONS	POST ON 17.5.2021
6	Chamber list 5	4290-HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR	17-05-2021			PP SEEKS TIME.POST ON 2.6.2021. FILE OBJECTION IF ANY(Restored)
7		4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	22-07-2021			cr.l.m.a.1/21 dismissed. post for hearing a/w c/c afte onam holidays
8		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	22-10-2021			JUDGMENT RESERVED
9		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-07-2023			Allowed

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	
02-07-2021	HONOURABLE MR. JUSTICE P.SOMARAJAN		

CATEGORY DETAILS	
Category : 24.01 Criminal Appeal - NDPS Act (88)	
Sub Category : 165.000 NDPS ACT (2124)	

OBJECTION	
#	Objection
1	

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	PENDING
Filing Number	CRL.A 8351/2021	Filing Date	20-07-2021
Registration Number	CRL.A 714/2021 (B)	Registration Date	13-10-2021
CNR Number	KLHC010387172021	E-File NO	Offline

CASE STATUS			
First Hearing Date	Monday, the 08th day of November 2021		
Case Status	PENDING		
Coram	4403-HONOURABLE MR.JUSTICE N.NAGARESH		
Bench	Single		
Last listed Details	Date : 10-10-2023	Bench: 4403 - HONOURABLE MR.JUSTICE N.NAGARESH	List : Separate List 1 Item : 201

PETITIONER AND ADVOCATE	
1	Petitioner : ABIN DIVAKARAN , Age : 40 Years Petitioner Advocate : P.K.VARGHESE,K.R.ARUN KRISHNAN,SANJANA RACHEL JOSE,BIJU KUMAR

RESPONDENT AND ADVOCATE	
1	Respondent : STATE OF KERALA

SERVED ON	
PUBLIC PROSECUTOR-SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	374 (2)

FIR DETAILS	
Police Station : KATTAPPANA POLICE STATION IDUKKI	
FIR No / Year : 1103 /2017	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	CrI.M.Appl/1/2023	08-09-2023	PENDING	SUSPENSION OF SENTENCE	ABIN DIVAKARAN	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 4	4600-HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH	08-11-2021		ADMISSION	ADMIT. POST AFTER 2 WEEKS.
2	Separate List 1	4403-HONOURABLE MR.JUSTICE N.NAGARESH	08-09-2023	10-10-2023	PETITIONS	Sentence suspended on condition
3	Separate List 1	4403-HONOURABLE MR.JUSTICE N.NAGARESH	10-10-2023	10-10-2023	FOR HEARING	post for hearing

INTERIM ORDERS		
Business Date	Hon: Judge Name	Application
08-09-2023	HONOURABLE MR.JUSTICE N.NAGARESH	CrI.M.Appl 1/2023

CATEGORY DETAILS

VERDICTUM.IN

Category : 24.01 Criminal Appeal - NDPS Act (88)
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Sub Category : 165.000 NDPS ACT (2124)
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OBJECTION	
#	Objection

1	
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VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE N.NAGARESH

Friday, the 8th day of September 2023 / 17th Bhadra, 1945

CRL.M.APPL.NO.1/2023 IN CRL.A NO. 714 OF 2021

SC (NDPS) 35/2018 OF SPECIAL COURT FOR NDPS ACT CASES , THODUPUZHA , IDUKKI
PETITIONER/APPELLANT/ACCUSED NO.1:

ABIN DIVAKARAN AGED 40 YEARS S/O. DIVAKARAN, URUMBIL HOUSE,
THIRUVALLPPADI BHAGAM, NEDUMKANDAM KARA, PARATHODU VILLAGE.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682 031.

Application praying that in the circumstances stated therein the High Court be pleased to suspend the sentence passed against the appellant/accused No.1 in the judgement dated 08.01.2021 in S.C(NDPS)No.35/2018 of the Special Court for NDPS Act Cases,Thodupuzha,in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of P.K.VARGHESE, K.R.ARUN KRISHNAN, SANJANA RACHEL JOSE, BIJU KUMAR, Advocates for the petitioner and PUBLIC PROSECUTOR for the respondent, the court passed the following:



N.NAGARESH, J.

Crl.M.A.No.1 of 2023

in

Crl.Appeal No.714 of 2021

Dated this the 8th day of September, 2023

ORDER

Crl.M.A.No.1 of 2023

It is submitted that the appeals filed by other accused involved in the crime were heard and their conviction and sentence have been set aside. Copy of the said judgment is not uploaded and hence not available.

2. Taking into consideration the facts of the case, the sentence imposed on the appellant is suspended and the appellant shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the court below.

Post on 10.10.2023.

Sd/-

**N.NAGARESH
JUDGE**

hnh

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	DISPOSED
Filing Number	CRL.A 7739/2021	Filing Date	29-04-2021
Registration Number	CRL.A 322/2021 (C)	Registration Date	29-04-2021
CNR Number	KLHC010295092021	E-File NO	Offline
Disposed date	31-07-2023		

CASE STATUS			
First Hearing Date	Friday, the 30th day of April 2021		
Decision Date	Monday, the 31st day of July 2023		
Case Status	DISPOSED		
Nature of Disposal	ALLOWED		
Coram	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH		
Bench	Single		
Last listed Details	Date : 31-07-2023	Bench: 4292 - HONOURABLE MRS. JUSTICE MARY JOSEPH	List : Daily List Item : 1.1

CONNECTED CASES	
This case is connected to - CRL.A No.545/2021	
PETITIONER AND ADVOCATE	
1	Petitioner : SIPAHI KUMAR , Age : 38 Years Petitioner Advocate : C.DHEERAJ RAJAN,ANAND KALYANAKRISHNAN

RESPONDENT AND ADVOCATE	
1	Respondent : STATE OF KERALA

SERVED ON	
PUBLIC PROSECUTOR- SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	378(2)

TRIAL COURT INFORMATION	
First Appellate Court	
Court Number and Name : ADDITIONAL DISTRICT COURT, THRISSUR	
Case Number and Year : SC 145/2019	
Trial Court Information	
Court Number and Name :	
Case Number and Year :	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	CrI.M.Appl/1/2021	29-04-2021	PENDING	SUSPENSION OF SENTENCE	SIPAHI KUMAR	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 3	4520-HONOURABLE MR.JUSTICE C.S.DIAS	30-04-2021		ADMISSION	ADMITTED. POST ON 4.5.21

VERDICTUM.IN

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
2	Chamber list 3	4520-HONOURABLE MR.JUSTICE C.S.DIAS	30-04-2021		ADMISSION	admitted , pptakes notice and seeks time to file stmnt post on 4/5/21 - Admit
3	Chamber list 5	4545-HONOURABLE MR. JUSTICE GOPINATH P.	04-05-2021		PETITIONS	SENTENCE SUSPENDED - Adjourned
4	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	20-07-2023	24-07-2023		Adjourned at the request of the counsel for the petitioner...
5	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	24-07-2023	25-07-2023		Adjourned post tomorrow
6	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	25-07-2023	26-07-2023		Adjournedpost tomorrow
7		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-07-2023			Allowed

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	
04-05-2021	HONOURABLE MR. JUSTICE GOPINATH P.	CrI.M.Appl 1/2021	

CATEGORY DETAILS	
Category : 24.01 Criminal Appeal - NDPS Act (88)	
Sub Category : 165.000 NDPS ACT (2124)	

OBJECTION	
#	Objection
1	All Objections are Complied

VERDICTUM.IN

CASE DETAILS			
Case Type	CRL.A	Case Status	DISPOSED
Filing Number	CRL.A 8432/2021	Filing Date	12-08-2021
Registration Number	CRL.A 545/2021 (G1)	Registration Date	12-08-2021
CNR Number	KLHC010443312021	E-File NO	Offline
Disposed date	31-07-2023		

CASE STATUS			
First Hearing Date	Friday, the 13th day of August 2021		
Decision Date	Monday, the 31st day of July 2023		
Case Status	DISPOSED		
Nature of Disposal	ALLOWED		
Coram	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH		
Bench	Single		
Last listed Details	Date : 31-07-2023	Bench: 4292 - HONOURABLE MRS. JUSTICE MARY JOSEPH	List : Daily List Item : 1

CONNECTED CASES	
Connected List	CRL.A No.322/2021
PETITIONER AND ADVOCATE	
1	Petitioner : JAYMANGAL SAH , Age : 43 Years Petitioner Advocate : P.MOHAMED SABAH, SAIPOOJA(K/001130/2016), LIBIN STANLEY(K/250/2015)

RESPONDENT AND ADVOCATE	
1	Respondent : STATE OF KERALA Respondent Advocate : PUBLIC PROSECUTOR

SERVED ON	
PUBLIC PROSECUTOR-SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CRIMINAL PROCEDURE CODE, 1973	374(2)

TRIAL COURT INFORMATION	
First Appellate Court	
Court Number and Name : ADDITIONAL DISTRICT COURT, THRISSUR	
Case Number and Year : SC 145/2019	
Trial Court Information	
Court Number and Name :	
Case Number and Year :	

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	CrI.M.Appl/1/2021	12-08-2021	PENDING	SUSPENSION OF SENTENCE	JAYMANGAL SAH	
2	CrI.M.Appl/1/2023	27-02-2023	PENDING	FOR ISSUANCE OF CERTIFIED COPY(130)	JAYMANGAL SAH	

DOCUMENTS							
Document No	Date	File Type	Description	Party Name	Advocate Name	Files	
1/2021	03-09-2021	OBJECTION		STATE OF KERALA	PUBLIC PROSECUTOR		

VERDICTUM.IN

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
2/2021	07-09-2021	MEMO		STATE OF KERALA	PUBLIC PROSECUTOR	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Chamber list 1	4293-HONOURABLE MR. JUSTICE P.SOMARAJAN	13-08-2021		ADMISSION	pp to take instructions. crl.m.a.1/21 for counter and objection, if any, post after onam holidays
2	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	25-08-2021	02-09-2021	ADMISSION	NO REPRESENTATION FOR APPELLANT GP SEEKS TIME TO FILE OBJECTION POST ON 02/09/2021
3	Chamber list 1	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-08-2021		PETITIONS	CALL LCR.POST WHEN LCR RECEIVED.
4	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	15-06-2023	15-06-2023		Adjourned tomorrow
5	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	22-06-2023	29-06-2023		Adjourned at the request of the counsel for the petitioner..
6	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	30-06-2023	03-07-2023		Adjourned tomorrow
7	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	03-07-2023			Allowed(Restored)
8	Daily List	4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	27-07-2023	01-01-5001		judgmt recalled...spoken
9		4292-HONOURABLE MRS. JUSTICE MARY JOSEPH	31-07-2023			Allowed

INTERIM ORDERS			
Business Date	Hon: Judge Name	Application	

CATEGORY DETAILS	
Category : 24.01 Criminal Appeal - NDPS Act (88)	
Sub Category : 165.000 NDPS ACT (2124)	

OBJECTION	
#	Objection
1	All Objections are Complied

YESHWANTH SHENOY
Advocate

951, 9th Floor,
KHCAA Chamber Complex,
High Court of Kerala Campus,
Ernakulam, Kerala – 682 031.

Mobile: 9967642195
E-mail: yshenoy@gmail.com

1 June 2023

To,

The Registrar (Vigilance),
High Court of Kerala,
Ernakulam – 682031.

Sir,

SUB: Tampering of listing process by Registry / Nexus between Advocates
and Judges

1. I bring your specific notice to the ‘listing’ before the court of Justice Mary Joseph. The list is curtailed to 20 matters. I have filed a W.P (C) No. 6912 / 2023, which is pending before the Hon’ble Court.
2. The Hon’ble Supreme Court in *State of Rajasthan Vs. Prakash Chand* reported in (1998) 1 SCC 1 clearly stated “***That no Judge or Judges can give directions to the Registry for listing any case before him or them which runs counter to the directions given by the Chief Justice***”.
3. The Registrar General had filed a counter affidavit in W.P (C) No. 6912 / 2023 in which he has stated “*The said court being a hearing court, as per the practice followed, the number of matters to be listed is decided by the Registry with the permission of the court, having regard to the average time required for disposal of listed matters*”.
4. The Registry has therefore admitted that the ‘listing process’ has been interfered ‘with the permission of the court’. In other words, it states that

the listing process is tampered with under the instruction of the Judge. There is no doubt that every Judge has the prerogative of deciding how many matters are to be heard from the list, but the Judge has no power to tamper with the list itself and choose the number of matters to be listed before it.

5. In fact, the list of Justice Mary Joseph was prepared just like that of the other Judges of this Hon'ble Court prior to the Covid 19 Pandemic. When this Hon'ble Court reopened after the Pandemic, Justice Mary Joseph seem to have 'tested the system' by curtailing her list. When no one corrected her within the system and when the Bar did not question this 'colourable act', Justice Mary Joseph seem to have emboldened herself that she curtailed the list to 20 matters and used to sit on the Bench at 11 AM and rise by 12.30 PM.
6. By tampering the list and curtailing the list to just about 20 matters, an unnatural 'demand' is made in which the parties / advocates have to struggle to be a part of that list. This makes the process a fertile ground for corruption and I have reason to believe that the matters chosen in these lists have been hand-picked by the Judge / Registry and I seek a thorough investigation into the same. The 'quick look' at the list by a novice will not show anything serious as most of it is peppered with M.A.C.A cases, but the focus has to be towards identifying the 'hand picked' cases. W.P (C) 6912 of 2023 is a matter where the question of law that needs to be decided is whether the Judge can interfere with the listing process or not, but this complaint is specifically directed to hand-picking / choosing particular matters to be listed. Therefore, I hope, you do not hide behind the pendency of W.P(C) 6912/2023 as a reason to not inquire / investigate the issues raised in this complaint.

7. I hear rumours in the verandah of the Court that Adv.Prerith Joseph, the son of Justice Mary Joseph indulges in 'scouting' for matters for 'settlements'. I do not know if the same is true or not, but I know that your office had investigated a complaint based on rumours on the verandah and after a thorough inquiry, your office filed an FIR with the Police based on which Adv.Siby Kidangoor is under investigation by police authorities. Therefore, all I am requesting is for you to make a thorough inquiry into these rumours. I hope the same weightage is given to complaints that seeks inquiry based on rumours, irrespective of the fact that the complaint is given by the Bar or the Bench.
8. Adv.Prerith Joseph also works / worked under some advocates and I hope your thorough investigations brings within your purview a check on matters of these advocates listed before Justice Mary Joseph. I am also informed that Adv.Prerith has married another advocate and this means that the daughter in law of Justice Mary Joseph is also practicing in Ernakulam. I, therefore, request you to ensure that your inquiry / investigation also covers any connection of matters listed before Justice Mary Joseph and her near relatives practicing in the High Court / Courts in Ernakulam and advocates associated with them.
9. This Hon'ble Court had a great tradition of Judges whose near relatives stopped and/or shifted practice to other courts on the elevation of their near relatives. Justice Mary Joseph does not seem to follow that tradition and in fact seems to be extending the presence of her near family practicing in Ernakulam. Adv.Prerith Joseph has been seen in the Chambers of Justice Mary Joseph more often than in his office and I have already filed a W.P (C) bringing the notice of the Hon'ble Court. However, I request you to check the CCTV visuals which will reveal the presence of Adv.Prerith in the Chambers of Justice Mary Joseph.

10. With the facts stated above, it is only natural for a 'reasonable person' to have reasons to believe that there is serious irregularities happening in the Court of Justice Mary Joseph. Justice has not just to be done, but it also must seem to be done is the foundation of our legal system. We have the Registry and the Judge curtail the list to 23 matters and we have no idea as to which of the 23 matters are listed and how they are chosen and therefore it is natural for a 'reasonable person' to raise serious doubts and bring attention of your office to the 'fertile grounds of corruption' that is unnaturally created and that too in violation of the directions of the Hon'ble Supreme Court.
11. I also bring your attention to a possible nexus between Adv.Gisa Susan Thomas and Justice Mary Joseph. Adv.Gisa refers to Justice Mary Joseph as 'Betty Chechi'. Adv.Gisa Susan Thomas is not just connected with Justice Mary Joseph on Facebook, but she is connected to the son and daughter of Justice Mary Joseph and this indicates that there is a personal connection between Adv.Gisa and Justice Mary Joseph. While, the connection of Justice Mary Joseph and Son can be associated to a professional network, the daughter is not within this professional network and that connection is certainly on a personal front. A copy of the Facebook Friends page of Adv.Gisa is annexed to this Complaint as Annexure A.
12. A mere check on the call data records (CDR's) of Adv.Gisa would reveal how connected she is with Justice Mary Joseph and her family members. Through this connection with Justice Mary Joseph, Adv.Gisa seems to have connection with other lower court Judges and her call records will reveal the lower court judges with whom she is connected.
13. In fact, Adv.Gisa Susan Thomas had spoken about a matter listed before Justice Mary Joseph a day prior to its listing and was certain that the Judge

will not pass any orders against her and that we would be lucky if she doesn't 'nullify the marriage itself' in a 'maintenance related dispute'. This was brought to the attention of the Hon'ble Chief Justice in my in-house complaint filed before the Hon'ble Chief Justice as well as my reply to the Bar Council notice sent to me based on a complaint filed by Justice Mary Joseph. I will be most willing to disclose the names of advocates who have more specific details of the nexus between Adv.Gisa Susan Thomas and Justice Mary Joseph.

14.I also voluntarily disclose that Justice Mary Joseph has made false allegations on me based on which there is a contempt proceedings and a disciplinary proceedings pending against me and I am defending the same. However, the contents of this complaint raise very serious issues and the same needs to be investigated / inquired. I am most willing to state the contents of this complaint on an affidavit and provide further proofs to make out a *prima facie* case requiring further inquiry / investigation. In the event of your failure to perform your duties in accordance with law, I will be constrained to take appropriate action before a competent court.

Yeshwanth Shenoy

BEFORE THE HON'BLE COURT OF ENQUIRY COMMISSIONER AND
SPECIAL JUDGE, THRISSUR.

C.M.P.No. of 2015

COMPLAINANT :

Krishnadas C., aged 38 years, S/o.Chandran,
Nariyan Parambu, Kattusseri, Alathur,
Palakkad, PIN-678 542.

Vs.

ACCUSED

1. Mrs.Mary Joseph,
Currently District Judge, Alappuzha.
2. Mr.Shiju K.C., Driver Grade II, District Court, Palakkad.
3. Mr.Jayan, Civil Police Officer,
Working as Gunman of the District Judge, Palakkad.

COMPLAINT PRESENTED UNDER SECTIONS 190 AND 200 READ WITH
SECTION 156 OF THE CODE OF CRIMINAL PROCEDURE AND READ WITH
THE PREVENTION OF CURRUPTION ACT.

- a. The address for service of the complainant is that of his counsel
- b. The address for service of the accused is as shown above.

The complainant begs to state as follows:-

1. The complainant unfolds a typical case of "fence itself eating the crop". The 1st accused is a District Judge and a member of the Kerala State Higher Judicial Service. The 2nd accused was her driver and the 3rd accused was her gunman while she was servicing as District Judge, Palakkad. The case relates to a criminal conspiracy committed by the accused persons who are

public servants as the said expression is understood in law, to defraud the Government of Kerala and to achieve that object by destroying the official log book maintained in the District Court of which the 1st accused was the custodian.

2. The 1st accused had been serving as District and Sessions Judge, Palakkad from June, 2011 to March, 2014. During that period she had been using the official car allotted to her with Registration No. KL 07BU 4207 mostly for personal and private use. Apart from using it for official purpose, whenever personal or private use of such allotted official vehicle is made, the concerned officer has to pay at the prescribed rate to the Government for such use.

3. The 1st accused had used the official car for her extensive personal and private journeys during her tenure as District Judge, Palakkad. Consequently, she had to pay a huge sum of money to the Government. Her personal liability that she owed to the Government was more than rupees one lakh.

4. The members of the staff working in the Palakkad District Court found out to their utter shock and dismay that the first accused conspiring with the other accused persons who were her driver and gun man at the material time when he was serving at Palakkad, had destroyed the original log book of the aforesaid official car and created a new one in place of the old one converting all her personal and private journeys to official journeys. The original log book was destroyed and new one created in order to escape the liability that she owed to the Government. By destroying the original log book she derived undue financial benefits. When the original log book was examined by members of the staff of the District Court, Palakkad, they have found out

serious irregularity and photocopies from the original log book were taken at official level and kept in the office of the Sheristhadar. The photocopies of the original log book and forged log book are produced along with this complaint. It is evident from the photocopies that the personal and private journeys performed by the first accused on various dates written in the original log book, have been converted to official journeys in the forged log book. Some instances of forgery made in respect of the log book are noted below. The purpose of the journeys performed by the first accused as noted in the original log book on 17.8.2012, 11.11.2012, 3.2.2013 etc. has been changed in the forged log book in order to obtain for herself pecuniary advantage. Some of the journeys performed by the 1st accused as written in the original log book on 13.11.2012, 18.11.2012, 20.11.2012, 22.11.2012, 25.11.2012, 27.11.2012, 29.11.2012, 2.12.2012, 15.12.2012, 18.12.2012, 21.12.2012 etc. have completely been changed into different journeys in the forged log book in order to derive undue financial benefits. Besides, the magnitude of the misappropriation is apparent from the photocopies of the log books produced.

5. There were murmurs in and around Paiakkad about the conduct of the first accused in relation to the 3rd accused and even posters appeared in the Court premises to the discomfiture of other judicial officers and members of the Bar. When this came to the notice of the 1st accused, she realized she was caught and in a manner committing serious culpable offence attracting section 177 of the Indian Penal Code, she with the assistance of the accused persons 2 and 3 destroyed the original log book maintained in the District Court, probably without realizing that a photocopy with her seal and signature discernible from it has already been taken in an authorized manner by the staff. The entries

made by the 1st accused in conspiracy with the other accused persons reveal that though she had used the official car for her extensive personal and private journeys another log book was forged converting her private journeys to her official journeys. The accused persons had knowledge and reason to believe that the entries in the log book were false when they made it, thereby rendering them liable to be punished under Section 177 of the Indian Penal Code.

6. Nevertheless, the first accused conspiring with the other accused persons destroyed altogether the official document which could have been compelled to be produced as evidence in a court of justice or in any proceedings lawfully held before the public servant solely with the intention of prevention of even looking into that official document or it be used as evidence for claiming only legally permissible Travelling Allowance. This the accused did after entering into a conspiracy which is clearly a culpable offence under Section 204 of the Indian Penal Code.

7. The aforesaid conduct of the accused also is punishable under Section 467 of the Indian Penal Code in that the entries therein were intended to receive or to be delivered of money by way of Travelling Allowance, all the accused claiming them in a false and fraudulent manner, thereby clearly attracting offence under Section 467 of the Indian Penal Code. The aforesaid conduct of the accused in fraudulently destroying with intent to cause injury to the public and secret the document which is a valuable security, which conduct amounts to commission of offence under Section 477 of the Indian Penal Code in that the accused willfully and with intent to defraud, made false entries and altered the material particulars in an official record, the first accused particularly acting as an employer. All the accused, therefore, have committed the offence

punishable as shown above under the Indian penal Code, besides under Section 120 B of IPC.

8. The accused admittedly are public servants. Their aforesaid conduct also attracts Section 7 of the Prevention of Corruption Act in that the amounts received by them misrepresenting the figures after entering it in the log book amounts to obtaining illegal gratification, which is other than legal remuneration claimable by them. Such obtaining of money by corrupt and illegal means knowing fully well as public servants, they could not have received the gratification. At any rate the aforesaid conduct of the accused amounts to commission of criminal misconduct an offence under Section 13 of Prevention of Corruption Act in that by corrupt and illegal means they obtained pecuniary advantages to which they are not legally entitled by misusing their official position, altering the records, falsifying it after obtaining pecuniary advantage to cover up the evidence against them.

9. The complainant, therefore, respectfully submits that the aforesaid conduct of the accused amounts to commission of culpable offence and offence of criminal misconduct which are far too serious in nature as they come from persons associated with the judicial institutions which are enjoined in law to punish the guilty. The person entrusted with the solemn duty of finding guilt in others is herself committing guilt and attempting to escape from the commission of guilt in a secretive and culpable manner. This has to be viewed very seriously, particularly since corruption is from the judiciary as the Supreme Court has observed in **Lalitha Kumari Vs. Govt. of A.P.** reported in 2012(4) KLT 632(SC) as follows:-

"Burking of crime leads to dilution of the rule of law in the short run; and also has a very negative impact on the rule of law in the long run since people stop having respect for rule of law"

In 1997(6) SCC 339, it was held:-

"Judiciary must, therefore, be free from pressure or influence from any quarter. The constitution has secured to them, the independence. The concept of 'judicial independence' is a wider concept taking within its sweep independence from any other pressure or prejudice. It has many dimensions, namely fearlessness of other power centres, economic or political and freedom from prejudices acquired and nourished by the class to which the judge belongs".

"As members of the judiciary, they exercise the sovereign judicial power of the State. They are holders of public offices in the same way as the members of the council of Ministers and the members of the legislature. It is an office of public trust and in a democracy, such as ours, the executive, the legislature and the judiciary constitute the three pillars of the State. What is intended to be conveyed is that the three essential functions of the State are entrusted to the three organs of the State and each one of them in turn represents the authority of the State. The judges, at whatever level they may be, represent the State and its authority, unlike the bureaucracy or the members of the other service (All India Judges Assn. Vs. Union of India).

"The Trial Judge is the kingpin in the hierarchical system of administration of justice. He directly comes in contact with the litigant during the day to day proceedings in the Court. On him lies the responsibility to build a solemn atmosphere in the dispensation of justice. The personality, knowledge, judicial restraint, capacity to maintain dignity, character, conduct official as well as personal and integrity are the additional aspects which make the functioning of

the Court successful and acceptable. A sense of confidence in the Court is essential to maintain the fabric ordered liberty for free people and it is for the subordinate judiciary by its action and the high Court by its appropriate control of subordinate judiciary and its own self imposed judicial conduct, on and off the bench, to ensure it if one forfeits the confidence in the judiciary of its people, it can never regain its lost respect and esteem. The conduct of every judicial officer, therefore, should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamour, regardless of public praise and indifferent to private or partisan influences, he should administer justice according to law and deal with his appointment as a public trust, he should not allow other affairs of his private interests to interfere with the prompt and proper performance of his judicial duties, nor should be administer the office for the purpose of advancing his personal ambitions or increasing his popularity. If he tips the scales of justice, its rippling effect would be disastrous and deleterious."

It is appropriate to quote some observations made in an earlier decision in High Court of Judicature, Bombay Vs. Udaysingh (1997(5) SCC 129) which reads as follows:-

"Since the respondent is a judicial officer and the maintenance of discipline in the judicial service is a paramount matter and since the acceptability of the judgment depends upon the credibility of the conduct, honest, integrity and character of the office and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the judicial officer, we think that the imposition of penalty of dismissal from service is well justified. It does not warrant interference."

10. One of the members of the staff of the Palakkad District Court has sent petitions to the Hon'ble Chief Justice of India, the Hon'ble Minister of Law, His Excellency the President of India, etc. and it is gathered that the Hon'ble Chief Justice has forwarded the complaint to the High Court of Kerala. However, due to the tremendous clout and influence including with religious functionaries, the 1st accused had managed to avoid any action for the gross misdemeanor totally unbecoming of a judicial officer exerting her clout to escape from the unpardonable and serious consequences of their actions. As a result of that till date the grave crime committed by a Senior Judicial Officer in the Kerala Higher Judicial Service along with her driver and gunman has not received any attention from any quarters.

11. It may be stated here that the 1st accused being one of the senior members of the Higher Judicial Service can claim further career advancement of taking advantage of her seniority. For this also, it is gathered that she is exerting considerable influence with some of the functionaries of the Church and in other corridors of power. If such an event occurs it will be really a tragic day for the entire judiciary and its unsullied image.

12. None of the conducts attributed to the accused or committed by them are part of their official duties but clearly outside it. It is not part of the duty of the public servants to falsify records and obtain pecuniary advantage by corrupt or illegal means. The accused, therefore, has grossly abused their official positions to gain pecuniary advantage, which is clearly outside their official duty. A sanction, therefore, from any authority to initiate an enquiry into their conduct is not necessary.

13. The complainant, therefore, respectfully submits that as a person believing in the purity of administration of justice and probity among officials, particularly the officers of the judiciary, he has no other alternative than to bring to the notice of this Hon'ble Court, which is the custodian of good conduct among public servants to direct such actions as are required to unearth the serious crime committed by the accused who are public servants and who have thoroughly misused their position for self aggrandizement.

14. Though the 1st accused was serving between the period referred to above, on information being furnished by the Staff she was suddenly transferred as punishment to Alappuzha. But due to tremendous clout and influence exerted by her, further proceedings have not been initiated or completed. Since her conduct amounting to commission of culpable offence occurred within the jurisdiction of this Hon'ble Court in Palakkad, the cause of action for this complaint arose within the jurisdiction of this Hon'ble Court.

The complainant, therefore, respectfully prays that this Hon'ble Court may be pleased to direct the Vigilance and Anti Corruption Bureau to immediately register a crime against the accused in terms of the Constitution Bench decision of the Supreme Court in **Lalithakumari Vs. State of AP reported in 2013(4) KLT 632 (SC)** and launch a prosecution against the accused, conduct a trial and get them punished setting a model to end corruption, if any, in the judiciary.

The complainant prays accordingly.

Dated this the day of December, 2014.

COMPLAINANT:

Counsel for the Complainant :

LIST OF WITNESSES :

1. Senior Superintendent, District Court, Palakkad.
2. Sheristadar, District Court, Palakkad.
3. Smt.Usha, W/o.Late Radhakrishnan,
Kalamparambu House, Malakkulam,
Melarcode, Palakkad.

LIST OF DOCUMENTS :

1. Photocopy of the original log book in respect of vehicle No.KL 07 BU 4207.
2. Photocopy of the forged log book in respect of vehicle No.KL 07 BU 4207.
3. Copy of the complaint submitted by Smt.Usha to the Hon'ble President of India.

COMPLAINANT :

8/1/15
Filed on: ~~12/2015~~

BEFORE THE HON'BLE COURT OF
ENQUIRY COMMISSIONER AND
SPECIAL JUDGE, THRISSUR.

(164) C.M.P.No. 37 of 2015
Krishnadas C. : Complainant

Vs.

Mrs. Mary Joseph : Accused
& others

COMPLAINT PRESENTED UNDER
SECTIONS 190 AND 200 READ WITH
SECTION 156 OF THE CODE OF
CRIMINAL PROCEDURE AND READ
WITH THE PREVENTION OF
CORRUPTION ACT.

Counsel for the complainant.

YESHWANTH SHENOY
Advocate

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High Court of Kerala Campus,
Ernakulam, Kerala – 682 031.

Mobile: 9967642195
E-mail: yshenoy@gmail.com

07 June 2024

To,

The Hon'ble Chief Justice,
High Court of Kerala,
Ernakulam - 682031

Sir,

SUB: Gross impropriety of Retired Justice Mary Joseph writing
Judgments after retirement

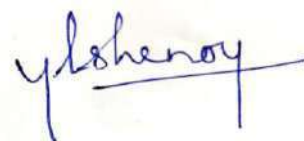
REF: The continuance of Retired Justice Mary Joseph's access to
case files and non-deactivation of security log in to her and
her staff in the IT systems of this Hon'ble Court.

1. I am constrained to bring your immediate attention to the continuing visit of retired Justice Mary Joseph to her chambers even after retirement. What is shocking is that she is given access to case files to facilitate her to write Judgments after her retirement which in the words of the Hon'ble Supreme Court is gross impropriety. A copy of the order dated 13 Feb 2024 in SLP (criminal) No. 2210-2211 of 2024 of the Hon'ble Supreme Court in *State Vs. Naresh Prasad Agarwal & otrs* is annexed as **Annexure-A**.
2. I am bringing your attention to the IT systems of this Hon'ble Court which has not yet deactivated the access given to Justice Mary Joseph and her staff. In every organization, the IT access is deactivated at the same moment the person retires. Thankfully, IT systems leave trails and it can be investigated and personal accountability can be affixed on the basis of

those trails. **I request your Lordship to immediately order the IT Registrar to immediately deactivate access given to Justice Mary Joseph and her staff** and call for a report of all activities including uploading of Judgments carried out after 2 June 2024.

3. Though the Rules permit Judges to continue holding on to the office for a month, that is only intended to facilitate clearing of personal belonging. The retired judge cannot sit in the chambers and carry out any of the pending administrative or judicial work as their privilege comes to an end with their retirement.
4. Justice Mary Joseph is writing judgments and backdating the same and then the officials of the Registry are uploading the same with the log in authorisations. All officials who indulge in such acts are indulging in criminal and illegal acts and strict disciplinary proceeding these employees be ordered with immediate effect.
5. In the event of not deactivating the IT access, retired Justice Mary Joseph and her staff will be busy writing Judgments and backdating them and uploading the same. However, I inform you that I have taken web status of the High Court pages connected to specific cases which would be manipulated if deactivation is not done today. These are cases which have been manipulated by retired Justice Mary Joseph and a details of the same will be given as an when there are new entries in those cases.

Yours Sincerely,



Yeshwanth Shenoy



2024 INSC 120

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.829-830 OF 2024
(Arising out of S.L.P.(Criminal) Nos.2210-2211 of 2024
@ Diary No.29911 of 2018)

STATE THROUGH INSPECTOR OF POLICE
CBI CHENNAI

... APPELLANT(S)

VS.

NARESH PRASAD AGARWAL & ANR.

... RESPONDENT(S)

J U D G M E N T

ABHAY S.OKA, J.

Delay condoned.

2. Leave granted.

3. Heard the learned senior counsel appearing for the appellant and the learned senior counsel appearing for the respondents.

4. The learned Single Judge of the Madras High Court decided two proceedings by the impugned judgment. The first was a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing the charge sheet in CC No.3 of 2014 pending on the file of the learned

Special Judge, CBI cases, Chennai. The second was a Criminal Revision Application challenging the order

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Anita Malhotra
Date: 2024.02.28
17:32:47 IST
Reason:

dated 4th August, 2015 by which an application for discharge made by the respondents in the same case was rejected by the impugned judgment. The learned Judge quashed the charge sheet, insofar as the first respondent is concerned and by setting aside the order dated 4th August, 2015, an order of discharge was passed as regards another accused.

5. One of the contentions raised in these appeals is that on 17th April, 2017, the learned Single Judge pronounced only one line order declaring the operative part. The learned Judge demitted office on 26th May, 2017 and a detailed judgment was made available only on 23rd October, 2017, nearly 5 months after the learned Judge demitted the office. On these facts, there is no dispute.

6. The operative part was pronounced on 17th April, 2017. There were five weeks available for the learned Judge to release the reasoned judgment till the date on which he demitted office. However, the detailed judgment running into more than 250 pages has come out after a lapse of 5 months from the date on which the learned Judge demitted the office. Thus, it is obvious that even after the learned Judge demitted the office, he assigned reasons and made the judgment ready. According to us,

retaining file of a case for a period of 5 months after demitting the office is an act of gross impropriety on the part of the learned Judge. We cannot countenance what has been done in this case.

7. The learned senior counsel appearing for the respondents tried to urge that we should independently hear the case on merits.

8. Lord Hewart said hundred years back that "justice must not only be done, but must also be seen to be done". What has been done in this case is contrary to what Lord Hewart said. We cannot support such acts of impropriety and, therefore, in our view, the only option for this Court is to set aside the impugned judgment and remit the cases to the High Court for a fresh decision.

9. Accordingly, we set aside the impugned judgment in Criminal O.P.No.21243/2014 and Criminal Revision Case No.1191/2015 in Criminal M.P.No.3613/2014 in CC No.03/2014 and restore both the matters to the file of the High Court of Judicature at Madras. Both the cases shall be decided by the High Court afresh in accordance with law.

10. Needless to add that we have made no adjudication on the merits of the controversy and all issues are left open to be decided by the High Court. If there are any

subsequent events, the parties are free to bring it to the notice of the High Court in accordance with law.

11. The appeals are accordingly partly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
February 13, 2024.