

DEVAN RAMACHANDRAN, J.

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W.P.(C) No.16674 of 2021

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Dated this the 17th day of December, 2021

ORDER

Sri.Jaishankar V.Nair - learned Central Government Counsel, prayed for a few more days time to file counter pleadings, adding that he will also place on record the details of the investigation being carried on by the Enforcement Directorate.

2. Sri.T.A.Shaji - learned Director General of Prosecution, assisted by Sri.P.Narayanan - learned Additional Public Prosecutor, submitted that since the Special Investigation Team of the Crime Branch is looking into every facet of the various Crimes involving the 5th respondent, no further orders are required in this case. He added that as and when any fresh information comes to the notice of the Crime Branch during investigation, additional persons can be arrayed and adscititious charges incorporated, as the case may be.

3. Though I do not intent to pass any orders today, I must certainly make it clear that the intent of this Court is to ensure that the Enforcement Directorate works in conjunction with the Crime Branch when the investigation to the Crimes are going on. This is because, the allegations made by the petitioner in this case are against certain Police Officers and during the course of the consideration of this case, it has come out that even an Officer in the rank of an Inspector General has been suspended and disciplinary action initiated against him.

4. *Prima facie*, therefore, the reach of the 5th respondent - particularly when there are indications of persons outside India also being involved - cannot be taken lightly; and that a proper investigation without any error will have to be taken forward and completed.

5. Since the Enforcement Directorate

seeks time and since the resolve of the Court is as afore, I deem it appropriate to adjourn this case to be called on 23.12.2021.

6. Aside from the specific circumstances of this case, I must record that Sri.Mohammed Shah, a learned counsel of this Court - who is also a member of the Bar Council of Kerala - brought to my notice that an individual, by name Sri.S.Sudeep, who is said to be a formal Judicial Officer, has publicly expressed his indignation about the manner in which this Court is dealing with this matter, as also the order issued in I.A.No.3 of 2021, in an online platform and handed over a copy of the same across the Bar for my inspection.

7. When I read what is written by the aforementioned individual - assuming it to be true - it can only mean that he seems to be harboring certain notions about the manner in

which this Court has to act and the limits of my jurisdiction under Article 226 of the Constitution of India. Since, he is stated to have been a Judicial Officer, I would certainly like to hear him, so that he can inform me where this Court has been going wrong, according to him.

8. In the afore circumstances, I direct the Registry:

(a) to immediately verify whether the 'post', handed over to me by Sri.Mohamed Shah across the Bar, is part of the Facebook page of the individual by name Sri.S.Sudeep; and if so, will take a copy of the same from the said online platform and place it before this Court, along with a faithful translation of the same in English;

(b) if the Registry is to find that the aforementioned Sri.S.Sudeep has posted the afore 'post', then a notice will be issued to

him asking him to appear before this Court personally on 23.12.2021, so that this Court will have the benefit of hearing his words;

(c) the aforementioned notice shall be served on Sri.S.Sudeep by the Registry on or before 21.12.2021, through multiple modes, as are permitted in law.

9. Though I do not propose to speak on the contents of the Facebook page of the aforementioned Sri.S.Sudeep, some of his statements therein would indicate that he has something to do with this case, particularly when he criticized this Court for allowing certain impleadments, which have, in fact, been accepted by the respondents also. The pattern of his suggestions in the 'post', clearly discern a desire to help someone, by painting this Court in a bad light; and I, therefore, leave liberty to the State Police Chief to cause necessary enquiries into this

and report before this Court by the next posting date.

A copy of this order shall be placed before the Registrar General of this Court for immediate compliance.

akv
H/o

Sd/-
DEVAN RAMACHANDRAN
JUDGE