

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1512 of 2015 ()

**AGAINST THE COMMON ORDER IN V.C.6/2014/SPECIAL INVESTIGATION UNIT-I,
THIRUVANANTHAPURAM (SIU-1/TVPM) AND CRL.MP. NOS.1061/2015, 1062/2015,
922/2015, 921/2015, 928/2015, 877/2015, 980/2015, 736/2015, 1135/2015, 1155/2015 AND
923/2015 DATED 29/10/2015 OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE,
THIRUVANANTHAPURAM.**

REVISION PETITIONER/PETITIONER IN CRL.M.P NO. 923/2015:

**SUNNY MATHEW, S/O. MATHEW,
PALAKKATTUKUNNEL HOUSE,
ARAKKULAM P.O., IDUKKI.**

BY ADV. SRI.P.V.GEORGE (PUTHIYIDAM).

**RESPONDENTS/STATE, ACCUSED AND PETITIONERS IN CRL.MP NOS.1061/2015,
1062/2015, 922/2015, 921/2015, 928/2015, 877/2015, 980/2015, 736/2015, 1135/2015,
1155/2015 AND 923/2015 DATED 29/10/2015:**

**1. STATE OF KERALA,
REPRESENTED BY HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

**2. VIGILANCE AND ANTI-CORRUPTION BUREAU,
SPECIAL INVESTIGATION UNIT - I,
THIRUVANANTHAPURAM - 695 033.**

***3. K.M. MANI,
MINISTER OF FINANCE, LAW AND HOUSING CLIFF HOUSE,
THIRUVANANTHAPURAM - 695 001. (CORRECTED)**

THE NAME AND ADDRESS OF THE 3RD RESPONDENT IS CORRECTED AS

**'K.M. MANI, M.L.A., S/O.MANI,
KARINGOZHAKKAL HOUSE,
VELLAPPAD, PALA P.O., KOTTAYAM - 686 575.**

*** AS PER ORDER DATED 24.11.2015 IN CRL.M.A. NO.6634/2015
IN CRL.RP. NO.1512/2015.**

**4. V.S. ACHUTHANANTHAN,
LEADER OF OPPOSITION,
KERALA LEGISLATIVE ASSEMBLY,
THIRUVANANTHAPURAM.**

- 5. BIJU RAMESH, S/O. RAMESAN,
SAMTHRIPTI, EAST FORT,
THIRUVANANTHAPURAM.**
- 6. SARA JOSEPH,
CONVENOR, AAM ADMI PARTY KERALA, GITANJALI,
MULAMKUNNATHUKAVU, THRISSUR.**
- 7. P. VISWANATHAN NAIR @ VAIKOM VISWAN,
CONVENOR, LEFT DEMOCRATIC FRONT,
AKG NAGAR, THIRUVANANTHAPURAM.**
- 8. V.S. SUNILKUMAR,
MEMBER, KERALA LEGISLATIVE ASSEMBLY,
THIRUVANANTHAPURAM.**
- 9. V. MURALEEDHARAN,
BJP STATE PRESIDENT, THIRUVANANTHAPURAM.**
- 10. VIJU V.R.,
ADVOCATE, THIRUVANANTHAPURAM.**
- 11. NEYYATTINKARA P.NAGARAJ,
S/O. S.P. THYAGARAJAN, AYYAPPA NIVAS,
OPP. COURT COMPLEX, NEYYATTINKARA.**
- 12. NOBLE MATHEW,
S/O. LATE M.D. MATHEW, MANNAMPLACKAL HOUSE,
CHIRAKKADAVU P.O., KOTTAYAM.**
- 13. ALL KERALA ANTI CORRUPTION AND
HUMAN RIGHT PROTECTION COUNCIL, PALAKKAD.**

**R8 BY SRI.RENJITH THAMPAN, SENIOR ADVOCATE.
ADV. SMT.P.R.REENA.**

**R12 BY SRI.K. RAMAKUMAR, SENIOR ADVOCATE.
ADV. SRI.GEORGE SEBASTIAN.**

R13 BY ADV. SRI.MANSOOR.B.H.

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
CRL.R.P. No. 1512 of 2015
.....

Dated this the 2nd day of December, 2015

ORDER

Heard the learned counsel for the petitioner Sri.P.V.George (Puthiyedam) and the learned Senior Counsel Sri. K.Ramakumar appearing for the 12th respondent, on the question of maintainability of this Criminal Revision Petition.

2. During the hearing of the matter, this Court has put a query to the learned counsel for the revision petitioner as to how the revision petitioner can escape from the clutches of the 'principles of *res judicata* as well as *constructive res judicata*' based on the decision in ***Bhagat Ram and another v. The State of Rajasthan and another***[(1972) 2 SCC 466], which was followed by *H.R.Khanna, J.*, in ***State of Rajasthan v.***

Tarachand Jain [AIR 1973 SC 2131]. The decision in ***Bhagat Ram (Supra)*** was approved by the Constitution Bench of the Apex Court in ***A.R. Antulay v. R.S. Nayak and another [AIR 1988 SC 1531]***.

3. On such query, the learned counsel for the revision petitioner seeks permission of this Court to withdraw from this Crl.R.P. Permission is granted.

In the result, this Crl.R.P. is dismissed as withdrawn.

Registry is directed to send back the lower court records immediately.

Sd/- **B. KEMAL PASHA, JUDGE.**

ul/-

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P.S. to Judge.