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Cr1.R.P NO.890 OF 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947

CRL.REV.PET NO. 890 OF 2023

AGAINST THE ORDER DATED 26.08.2023 IN CRL.MP NO.1546 OF
2023 OF COURT OF ENQUIRY COMMISSIONER & SPECIAL JUDGE

(VIGILANCE), MUVATTUPUZHA

REVISION PETITIONER/COMPLAINANT:

GIREESH BABU,* (EXPIRED)
AGED 47 YEARS,
S/O. GOPALAKRISHNAN, PUNNAKKADAN-HOUSE,
KALAMASSERY, CUSAT- POST, COCHIN,
ERNAKULAM-DISTRICT, PIN - 682022

BY ADVS.
SRI.AKHIL VIJAY, AMICUS CURIAEA

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY),
DEPARTMENT OF HOME & VIGILANCES,
ROOM NO. 357(a) & 358, MAIN BLOCK,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 VIGILANCE & ANTI-CORRUPTION BUREAU
(REP BY THE DIRECTOR),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682018



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- 3 * VEENA THAIKANDIYIL,
AGED 39, D/O VIJAYAN, PRAVIK, PINARAYI P.O,
KANNUR;
FOUNDER AND OWNER OF EXALOGIC SOLUTIONS PVT.
LTD., 1051, 7TH MAIN,
80FT ROAD, KORMANGALA,
BANGALORE.
- 4 * PINARAYI VIJAYAN,
AGED 78 YEARS, CHIEF MINISTER,
CLIFF HOUSE, NANTHANCODE,
THIRUVANANTHAPURAM.
- 5 * RAMESH CHENNITHALA,
AGED 67, EX. HOME MINISTER AND EX. OPPOSITION
LEADER, KOTTOOR KIZHAKETHIL,
TRIPPERUNTHURA P.O., CHENNITHALA,
MAVELIKKARA, ALAPPUZHA.
- 6 * KUNJALI KUTTY,
AGED 72, PANDIKADAVATH HOUSE, PATTARKADAVU P.O.,
PANAKKAD(VIA), MALAPPURAM-676519.
- 7 * V.K. IBRAHIM KUNJU,
AGED 71, C.C 12/1515, GRACE GARDEN,
PANAYAPILLI, KOCHI.
- 8 * SHRI. SATHIVILAS NARAYAN KARTHA SASIDHARAN
KARTHA,
MANAGING DIRECTOR,
M/S COCHIN MINERALS AND RUTILE LTD,
MARKET ROAD, ALWAYS,
ERNAKULAM, KERALA- 683101.
- 9 * K.S. SURESH KUMAR,
CFO, M/S COCHIN MINERALS AND RUTILE LTD,
MARKET ROAD, ALWAYS, ERNAKULAM, KERALA-683101,
RESIDING AT SREELAKSHMI HOUSE, KUNNUKARA P.O,
NEAR AHANA AUDITORIUM, NORTH PARAVUR.



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10 * P. SURESH KUMAR,
CGM, FINANCE AND COMPANY SECRETARY,
M/S COCHIN MINERALS AND RUTILE LTD,
MARKET ROAD, ALWAYS,
ERNAKULAM, KERALA-683101

11 * K.M. VASUDEVAN,
CASHIER, M/S COCHIN MINERALS AND RUTILE LTD,
MARKET ROAD, ALWAYS, ERNAKULAM, KERALA-683101.

*(ADDL. R3 TO R11 ARE SUO-MOTO IMPEADED AS PER
ORDER DATED 8-12-2023 IN CRL.R.P. 890/2023)

BY ADVS.
GILBERT GEORGE CORREYA
NISHA GEORGE
P.A.MOHAMMED SHAH
S.RAJEEV
RAFIQ P.M.
DIRECTOR GENERAL OF PROSECUTION(AG-10)
P.NARAYANAN, SENIOR G.P. AND ADDL.PUBLIC
PROSECUTOR()
SHRI.SAJJU.S., SENIOR G.P.
NIKITA J. MENDEZ(K/2364/2022)
SRUTHY N. BHAT(K/000579/2017)
P.VIJAYA BHANU (SR.) (K/421/1984)
V.VINAY(K/355/2009)
M.S.ANEER(K/644/2013)
SARATH K.P. (K/001467/2021)
PRERITH PHILIP JOSEPH(K/000736/2015)
ANILKUMAR C.R. (K/001190/2020)
K.S.KIRAN KRISHNAN(K/3514/2022)
GEORGE POONTHOTTAM (SR.) (K/000570/1979)
RENOY VINCENT(K/000580/2017)
SHAHIR SHOWKATH ALI(K/000584/2019)
CHELSON CHEMBARATHY(K/001483/2019)
ABEE SHEJIRIK FASLA N.K(K/345/2018)
MUHAMED JUNAID V. (K/680/2020)
ADITH KRISHNAN.U. (K/001385/2023)



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SHERIN SHERIYAR (K/4033/2023)
AFEEFA NAFEESA C.C. (K/001768/2024)
NANDA SURENDRAN (K/1367/2020)
THANUSHREE DAMODARAN (K/1566/2022)
SRI.T.A.SHAJI (DGP)
SRI.RAJESH.A, SP.GP (VIGILANCE)
SMT.REKHA.S (SR.PP)

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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K.BABU, J.

Criminal.R.P No.890 of 2023

Dated this the 28th day of March, 2025

ORDER

The Revision Petitioner is the complainant in a private complaint filed before the Enquiry Commissioner and Special Judge (Vigilance), Moovattupuzha. The learned Special Judge, by order dated 26.08.2023, rejected the complaint. The said order is under challenge in this Criminal Revision Petition.

2. In the complaint, the revision petitioner alleged as follows:

M/s. Cochin Minerals and Rutile Ltd., ('CMRL' for short), respondent No.8 in the complaint, is a company engaged in mining and other business activities. Additional respondent No.4 is the Chief Minister of Kerala. Additional Respondent Nos.5 to 7 were public servants at the relevant time. Respondent No.3 is the daughter of additional respondent No.4. She received money from



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CMRL under the cover of respondent No.4. Thereby, the company obtained undue privileges and advantages. Respondent Nos.4 to 7 misused their official position and caused loss to the public exchequer. Due to the silence and inaction of the public servants in return for the illegal gratification they received, severe environmental problems arose in the State, especially pollution of the River Periyar by way of the activities of the CMRL company. The actions of the additional respondents attract the offences under the Prevention of Corruption Act, 1988. The Interim Board for Settlement under the Income Tax Act, New Delhi, found that the acts alleged reveal the offences under the Prevention of Corruption Act. M/s. Exalogic Solutions Pvt. Ltd., a one-person company, the Managing Director of which is additional respondent No.3, received a sum of Rs.3,00,000/- and she received another sum of Rs.5,00,000/- every month based on an alleged agreement for giving software service whereas, there was no such legal or valid agreement. The revision petitioner had made a petition to the



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Director of Vigilance and Anti-Corruption Bureau,
Thiruvananthapuram, on 14.08.2023, but no action was taken on it.

3. Based on the above allegations, the revision petitioner prayed for ordering a quick verification by the Vigilance and Anti-Corruption Bureau and to proceed in accordance with law. The learned Special Judge, as per the impugned order, rejected the complaint at the threshold.

4. During the course of proceedings, the revision petitioner died. The learned counsel who appeared for the revision petitioner submitted that as nobody turned up to prosecute the matter, he is not in a position to proceed with the revision petition. Even in the absence of a party or his counsel, a Criminal Revision Petition falls for consideration on merits. Therefore, this Court appointed Advocate Shri. Akhil Vijay, as Amicus Curiae to assist the Court.

5. The complaint is essentially based on the entries maintained in a diary by a representative of CMRL and the decision of the Interim Board for Settlement, New Delhi, that as M/s Exalogic



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Solutions Pvt. Ltd. has not provided any services to the company, the payment of Rs.1,72,00,000/- does not qualify as a business expenditure.

6. I have heard Sri.Akhil Vijay, the learned Amicus Curiae, Sri.T.A. Shaji, the learned Director General of Prosecution, Sri.Gilbert George Correya, the learned counsel for additional respondent Nos.3 and 4, Sri.George Poonthottam, the learned Senior Counsel appearing for respondent No.5, Sri.P.A Mohammed Shah, the learned counsel appearing for respondent No.6, Sri.S.Rajeev, the learned counsel appearing for respondent No.7, and Sri.P.Vijaya Bhanu, the learned Senior Counsel appearing for respondent Nos.8 to 11.

7. The learned Amicus Curiae submitted that as the complaint revealed cognizable offences on the face of it, the learned Special Judge ought to have taken cognizance of the offences alleged. The learned Amicus Curiae submitted that the findings of the Interim Board for Settlement that M/s. Exalogic Solutions Pvt. Ltd has



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received payments from CMRL without providing any services to the company project a suspicion on the role of additional respondent No.4 in giving undue favour to CMRL. The learned Amicus Curiae submitted that the allegations prima facie establish the offences under the Prevention of Corruption Act.

8. Sri.Gilbert George Correya, the learned counsel appearing for additional respondent Nos.3 and 4, submitted that there is no presumption as to the essential ingredients of the offences alleged under the criminal law. The learned Special Judge cannot interpret the documents relied on by the complainant to assume the existence of certain facts constituting an offence. The learned counsel submitted that the order of the Interim Board for Settlement is confidential and cannot be relied upon and used against any person in view of Section 245-I of the Income Tax Act.

9. Sri.George Poonthottam, the learned Senior Counsel appearing for respondent No.5, submitted that the rejection of the complaint against respondent No.5 is justified as the complaint is



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based on the entries on loose papers with no evidentiary value. The learned Senior Counsel submitted that insofar as additional respondent No.5 is concerned, there is no material to connect him with any of the offences alleged. However, the learned Senior Counsel submitted that as far as the allegations against additional respondent Nos.3, 4 and 8 to 11 are concerned, the finding of the Interim Board for Settlement, a quasi-judicial authority, is a relevant fact to proceed against them.

10. Sri.P.Vijaya Bhanu, the learned Senior Counsel appearing for respondent Nos.8 to 11, submitted that the confession alleged to have been given by the Chief Financial Officer of CMRL before the Interim Board for Settlement has no evidentiary value and the same cannot be relied upon to set the criminal law in motion.

11. Sri.P.A.Mohammed Shah, the learned counsel appearing for respondent No.6, submitted that based on an inadmissible entry on a diary, which is not a 'book of account' as provided in Section 34 of the Indian Evidence Act, it could not be concluded that there is



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any prima facie material to show that respondent No.6 had accepted bribe from CMRL abusing his official position. The learned counsel submitted that when the complaint does not reveal any offence, the course open to the learned Special Judge was only to reject the complaint at the threshold.

12. Sri.S.Rajeev, the learned counsel for respondent No.7, submitted that the entries in the diary maintained by the authorised representative of CMRL have no evidentiary value and hence, no prosecution can be initiated based on them. The learned counsel submitted that there is no *prima facie* material to show that respondent No.7 accepted bribe from CMRL. The learned counsel relied on **CBI v. V.C. Shukla [(1998) 3 SCC 410]** and **Manohar Lal Sharma v. Union of India [(2017) 11 SCC 731]** to support his contentions.

13. Sri.T.A. Shaji, the learned Director General of Prosecution, submitted that the entries in the loose papers relied on by the defacto complainant have no evidentiary value, and no prosecution



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can be initiated based on the same. The learned Director General of Prosecution further submitted that even the entries in the books of account cannot alone be sufficient evidence to charge any person with liability.

14. I shall first consider the evidentiary value of the loose papers relied on by the revision petitioner to fasten criminal liability. The relevant provision dealing with the matter is Section 34 of the Indian Evidence Act.

15. Section 34 of the Evidence Act reads thus:

"34. Entries in books of account including those maintained in an electronic form when relevant

Entries in books of accounts, including those maintained in an electronic form, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability."

16. As per Section 34 of the Evidence Act, entries in the books of accounts regularly kept in the course of business are relevant whenever they refer to a matter under enquiry. However, the Section cautions that such a statement shall not alone be sufficient



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evidence to fasten a person with criminal liability. What is relevant under Section 34 of the Evidence Act is the entries in the books of account. A 'Book' ordinarily means a collection of sheets of paper or other material, blank, written or printed, fastened or bound together to form a material whole. Loose sheets or scraps of paper cannot be termed as 'book' as they can be easily detached and replaced. The term 'book' in the context of Section 34 of the Evidence Act signifies a collection of sheets of paper bound together with the intention that such binding shall be permanent and the papers used collectively in one volume.

17. In **CBI v. V.C. Shukla [(1998) 3 SCC 410]**, the Apex Court had considered the relevance of the entries in Jain Hawala diaries, notebooks and files containing loose sheets of papers not in the form of "books of account" and held that such entries in loose papers/sheets are irrelevant and not admissible under Section 34 of the Indian Evidence Act, and that only the entries that are made in the books of accounts regularly kept, depending on the nature of



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occupation, are admissible.

18. In **V.C. Shukla** (supra), the Apex Court observed that from a plain reading of the Section 34 of the Evidence Act, it is manifest that to make an entry relevant thereunder, it must be shown that it has been made in a book, that book is a book of account and that book of account has been regularly kept in the course of business. From the above section, it is also manifest that even if the above requirements are fulfilled and the entry becomes admissible as relevant evidence, still the statement made therein shall not alone be sufficient evidence to charge any person with liability. It is thus seen that while the first part of the section speaks of the relevancy of the entry as evidence, the second part speaks, in a negative way, of its evidentiary value for charging a person with a liability. It will, therefore, be necessary to ascertain first whether the entries in the documents relied on by the petitioner fulfil the requirements of the above section so as to be admissible in evidence and if this question is answered in the affirmative, then only its probative



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value need be assessed. The Apex Court further held therein that meaning of the account book under Section 34 of the Evidence Act would be spiral notebook/pad, but not loose sheets.

19. In **Manohar Lal Sharma v. Union of India [(2017) 11 SCC 731]**, following the principles declared in **V.C. Shukla (supra)** the Supreme Court held that loose sheets of paper are wholly irrelevant as evidence, not admissible under Section 34 of the Evidence Act, so as to constitute evidence with respect to the transactions mentioned therein and having no evidentiary value.

20. It is to be noted that the entries made in the loose sheets were stated to have been done at the back of the persons whose names have been indicated therein to whom the payments were allegedly made. It is important to note that the petitioner has not placed any material to connect the additional respondents, against whom the allegations have been levelled, in fact, had any nexus with the matter or has done some act during the relevant period which may correlate with the entries in the loose papers.



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21. The learned Special Judge, in the impugned order, dealt with the allegations in the complaint as follows:

“3. Heard the complainant. Perused complaint and documents produced along with the complaint. The entire complaint is based on the order in the proceedings before the Interim Board for Settlement, New Delhi. The order is dated 12 June 2023. That order was passed on an application by 8th respondent company herein and 9th respondent who is the managing director of the said company. It was an application under the Income-tax Act. In the petition the respondents 8 and 9 had sought for some reliefs under the Income-tax Act on the assessment made by the income tax authorities. The proceedings related to income for the assessment years 2013-2014 to 2019-2020. The respondent had sought for treating huge amounts towards business expenditure which was rejected by the Department.

4. Following search, and seizure of some documents, the income tax department had found that 8th respondent had shown Rs.99.31 crores towards fictitious expenses under the heads of transportation etc. Rs.34.51 crores were found to be inflated payments to vendors. 1.72 crores were claimed to be towards software expenses. Thus Rs.135.549 crores had been assessed by the Department. It had come out in the enquiry that the company had made payments in cash to various persons. The 10th respondent herein who was the chief financial officer of 8th respondent company had made some entries in loose pages allegedly using short forms. Those notes were seized in the search made by the Department. In the enquiry he said that the following letters stand for the corresponding names:

KK- Kunjali Kutty

AG- A Govindan

OC- Oommen Chandy

PV- Pinarayi Vijayan

IK-Ibrahim Kunju

RC- Ramesh Chennithala



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5. The 10th respondent in his statement before the authorities had said that payments were made to functionaries/members of various political parties, temples, media houses, Police etc cetera for smooth functioning of their business. Their business was having environmental impact as a result of which they receive large number of threats to obstruct their business or hinder smooth functioning of their day-to-day activities. In order to overcome those threats and to obtain cooperation, they were making payments to members/functionaries of various political parties, state Police, media houses, temples etc., so as to ensure smooth functioning of their day-to-day activities. Those payments were made as demanded by them.

6. The interim Board of settlement held that 1.72 crores paid to respondents 1 and 7 during the assessment years 2017-2018 to 2019-2020 did not qualify as business expenditure. It is based on the stated ground that evidence gathered during search did not show any service rendered to 8th respondent by 7th respondent.

7. The above payments to respondents 1 and 7 are made through accounts. For other payments to various political parties/individuals, temples, media houses, Police etc., there is nothing to indicate that they had received the amount except the alleged entries in loose papers maintained by 10th respondent or other officers of 8th respondent. Section 34 of the Evidence Act while treating such entries as relevant says that such statements alone shall not be sufficient evidence to charge any person with liability. Such entries may be ground for inquiry or investigation if there are materials to show that respondents 2 to 6 had given any favours to 8th respondent by abusing their official position as public servants.

8. This court has jurisdiction to inquire into or try only the offences under the Prevention of Corruption Act, 1988. The conspiracy to commit an offence under above Act also can be tried by this court. When offence under Prevention of Corruption Act is committed, other offences which can be jointly tried with that offence also can be tried by Special Judge under Prevention of Corruption Act, 1988.



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This petition is lodged on the premise that the very functioning of 8th respondent company is illegal. The purport of the first paragraph of the complaint is that the alleged payments to respondents 2 to 6 by respondents 8 to 12 are in consideration of 'such mining and other business' of 8th respondent. What is revealed in the enquiry conducted by Interim Board for Settlement is that there had been a general funding including political funding to various political parties/functionaries of political parties, media houses, temples etc. as usually done by business groups. There is only a mere allegation that this is in return for favors given to 8th respondent company. Such general allegations are insufficient to initiate criminal proceedings especially under Prevention of Corruption Act, 1988. In order to initiate proceedings for an offence under the Prevention of Corruption Act 1988 against a public servant, the complainant should reveal or disclose material facts which will show the commission of such offence by the public servants concerned. In this petition, apart from the general allegations made, complainant has not furnished any material facts which will show that respondents 2 to 6 had given any favors to 8th respondent in their capacity as public servants in return for the alleged payments. There is no case for the petitioner that any of the respondents had officially dealt with any matters pertaining to 8th respondent. Apart from making a general statement that the payments are bribery for consideration, the complaint does not disclose the material particulars which will show a prima facie case of commission of offences under Prevention of Corruption Act, 1988. The Complaint also does not say which offence under the Prevention of Corruption Act 1988 is committed by respondents.

9. There is no allegation in the complaint nor any facts disclosed in the complaint that the payment to respondents 1 and 7 by 8th respondent was towards any particular favors or benefits received by 8th respondent from second respondent. There is no allegation that 2nd respondent had dealt with any matters pertaining to 8th respondent and had shown any favors to 8th respondent by abusing his official position.



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10. The complaint or the order of the Interim Board for Settlement dated 12 June 2023 do not show a prima facie case of commission of any offences punishable under provisions of Prevention of Corruption Act, 1988 by any respondents herein...."

22. Based on the above-referred materials, the revision petitioner sought a direction to the special court to take cognizance of the offences alleged in the complaint.

23. The revision petitioner seeks to take cognizance of the offences alleged under Section 190 of the Cr.PC.

24. Section 190 of the Cr.PC reads thus:

"190. Cognizance of offences by Magistrates.-

(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence -

- (a) upon receiving a complaint of facts which constitute such offence;
- (b) upon a police report of such facts;
- (c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under Sub-Section (1) of such offences as are within his competence to inquire into or try."



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25. A competent court under Section 190 Cr.PC may take cognizance of any offence upon receiving a complaint as per Section 2(d), but such complaint shall be a complaint of facts which constitute such offence.

26. It is relevant to note that the words 'or suspicion' in the old Section 190 have been omitted in the corresponding Section in the Code of 1973. Section 190 of the old Code had enabled the Magistrate to take cognizance of an offence not only on his knowledge but also 'on suspicion' that an offence has been committed. The Law Commission, in its 41st Report observed;

"We recognize that a police officer can, in certain circumstances, act on suspicion-(reasonable of course) that an offence has been committed, but we do not think it wise to place such a responsibility on a Judicial Officer, and we therefore, propose to delete that provision from the clause."

27. Based on the Law Commission Report the legislature had intentionally removed the words "or suspicion" from Section 190 of the Code of Criminal Procedure, 1973. Under Section 190 of the Code of 1973 and under Section 210 of the BNSS, a Magistrate may take cognizance of an offence upon receiving a complaint of "facts" which



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constitute an offence or upon knowledge that such offence has been committed and not on “suspicion”.

28. A Magistrate is not bound to take cognizance of an offence merely because a complaint is filed before him. The complaint shall contain necessary facts constituting the offence alleged. He is required to carefully apply his mind to the contents of the complaint to see if the facts disclosed the offence alleged before taking cognizance of the offence alleged therein {Vide: **Delhi Race Club (1940) Ltd. v. State of U.P. [(2024) 10 SCC 690]** and **Usha Chakraborty v. State of West Bengal (2023 KHC 6085) : (AIR 2023 SC 688) : [(2023) 15 SCC 135]}**}.

29. In the present case, the revision petitioner could place materials highlighting the suspicion that the public servants arrayed as respondents were involved in doubtful financial transactions. The suspicion so highlighted cannot be substituted for facts constituting the offences alleged.

30. It is trite that the prosecution brought or initiated under



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the Prevention of Corruption Act cannot be casually approached by Courts. This Court in **Manoj Abraham, IPS v. P.P.Chandrasekharan Nair and Another [2017 (3) KHC 983] : [2017 SCC Online Ker 9094] : [(2018) 1 KLT 174]** has considered this question, wherein it was held thus:

“21.....A prosecution brought or initiated under the P.C. Act cannot be casually approached by Courts. It is quite unlike a prosecution alleging assault or some other offences. Even an unnecessary investigation may cause blemish, on the career of a public servant. Once such a blemish is caused, it would be very difficult to erase it. Before ordering investigation on a complaint under Section 156(3) Cr. P.C. the Special Court must examine not only the complaint, but also the other materials substantiating the allegations in the complaint. Such orders cannot be mechanically passed by the Special Courts. This Court has come across many such complaints mechanically forwarded by Courts under Section 156(3) Cr. P.C. for investigation.....”

31. On a careful analysis of the materials placed before this Court, I am of the view that the revision petitioner failed to place any credible material to fasten criminal liability on the additional respondents.

32. Unless the order passed by the Magistrate is perverse, or



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the view taken by the court is wholly unreasonable or there is nonconsideration of any relevant material, or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 Cr.P.C is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of their revisional jurisdiction. {Vide: **Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke [(2015) 3 SCC 123]**, **Munna Devi**



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v. State of Rajasthan & Anr [(2001) 9 SCC 631] and Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation [(2018) 16 SCC 299)]}.

33. The Criminal Revision Petition, therefore, lacks merits, and it stands dismissed.

34. It is made clear that the rejection of the complaint does not stand in the way of filing a fresh complaint or initiating prosecution against additional respondents 3 to 11 with adequate materials in future.

Before parting with the matter, this Court places on record its profound appreciation to the learned counsel Sri.Akhil Vijay, for his valuable assistance as Amicus Curiae.

Sd/-
K.BABU,
JUDGE



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APPENDIX OF CRL.REV.PET 890/2023

PETITIONER ANNEXURES

- | | |
|------------|--|
| Annexure 1 | CERTIFIED COPY OF ORDER IN CRL MP
NO.1546/2023 DATED 26/08/2023 |
| Annexure 2 | A TRUE COPY OF THE ORDER OF SETTLEMENT
DATED 12/06/2023. |
| Annexure 3 | TRUE COPY OF THE REPRESENTATION WITH
ACKNOWLEDGEMENT DATED 16/08/2023 |
| Annexure 4 | TRUE COPY OF COMPLAINT U/VIDE CRL. M P
NO.1546/2023 DATED 23/08/2023. |