'C.R'

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. 588 OF 2024

AGAINST THE ORDER/JUDGMENT DATED 06.05.2024 IN CRMP NO.326 OF 2024 OF ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE), THIRUVANANTHAPURAM

REVISION PETITIONER/COMPLAINANT:

DR. MATHEW A. KUZHALNADAN,
AGED 45 YEARS,
KUZHALNATU HOUSE, PAINGATTOOR P.O.,
MOOVATTUPUZHA, KERALA, PIN - 686671

BY ADVS.
BINCY JOB
KURIAKOSE VARGHESE
V.SHYAMOHAN
SRADHAXNA MUDRIKA
KAVERI MOHAN

RESPONDENTS/RESPONDENT NO.1-7:

1 ***PINARAYI VIJAYAN,**
CLIFF HOUSE, NANTHANCODE,
THIRUVANANTHAPURAM, PIN - 695003

***AMENDMENT OF CAUSE TITLE OF RESPONDENT NO.1**

PINARAYI VIJAYAN,
CHIEF MINISTER OF KERALA, CLIFF HOUSE,
NANTHANCODE, THIRUVANANTHAPURAM-695003
(AMENDED AS PER ORDER DATED 04/07/24 IN
CRL.M.A.3/2024 OF CRL.R.P. 588/2024),
PIN - 695003

2 **M/S. COCHIN MINERALS AND RUTILE LTD.**
MARKET ROAD, ALWAYE, ERNAKULAM
REPRESENTED BY ITS MANAGING DIRECTOR,
SATHIVILAS NARAYAN KARTHA SASIDHARAN KARTHA,
PIN - 683101

3 **SATHIVILAS NARAYAN KARTHA SASIDHARAN KARTHA,**
MANAGING DIRECTOR,
M/S. COCHIN MINERALS AND RUTILE LTD.,
MARKET ROAD, ALWAYE, ERNAKULAM, PIN - 683101

4 **M/S. KERALA MINERALS AND METALS LIMITED,**
REPRESENTED BY ITS GENERAL MANAGER, NH66,
SANKARAMANGALAM CHAVARA,
KOLLAM DISTRICT, PIN - 691583

5 **M/S. INDIAN RARE EARTHS LTD.,**
REPRESENTED BY ITS MANAGING DIRECTOR,
RARE EARTH DIVISION, UDYOGAMANDAL P.O.,
ERNAKULAM DISTRICT, PIN - 683501

6 **M/S. EXALOGIC SOLUTION PVT. LTD.**
1051, 7TH MAIN, 80FT ROAD, KORAMANGALA,
BANGALORE
REPRESENTED BY MRS. VEENA THAIKANDIYIL,
PIN - 560034

7 **MRS. VEENA THAIKANDIYIL,**
PRAVIK, PINARAYI P.O.,
KANNUR,
FOUNDER AND OWNER OF EXALOGIC SOLUTIONS PVT.LTD.,
1051, 7TH MAIN, 80FT ROAD, KORAMANGALA,
BANGALORE,
PIN - 560034

8 *STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KERALA -682031

*(IMPLEADED AS PER ORDER DATED 04/07/24 IN CRL.M.A.2/2024 OF CRL.R.P. 588/24)

BY ADVS.
GILBERT GEORGE CORREYA
RAFIQ P.M.
LATHA ANAND
GOPIKRISHNAN NAMBIAR M
P.VIJAYA BHANU (SR.)(K/421/1984)
AJEESH K.SASI(K/166/2006)
M.REVIKRISHNAN(K/1268/2004)
RAHUL SUNIL(K/000608/2017)
NIKITA J. MENDEZ(K/2364/2022)
NANDITHA S.(K/000498/2024)
SRUTHY N. BHAT(K/000579/2017)
SOHAIL AHAMMED HARRIS P.P.(K/1395/2020)
SRUTHY K.K(K/117/2015)
K.JOHN MATHAI(K/413/1984)
JOSON MANAVALAN(J-526)
KURYAN THOMAS(K/131/2003)
PAULOSE C. ABRAHAM(MAH/58/2006)
RAJA KANNAN(K/356/2008)
SHRI.P.NARAYANAN, SPL. G.P. TO DGP AND ADDL. P.P.
SHRI.SAJJU.S., SENIOR G.P.
SRI.T.A.SHAJI, DIRECTOR GENERAL OF PROSECUTION
THANUSHREE DAMODARAN(K/1566/2022)
S.VISHNU (ARIKKATTIL)(K/986/2012)
ABHIJITH M.A(K/001523/2021)
SRI.A.RAJESH, SPL GP
SMT.REKHA.S, SENIOR PUBLIC PROSECUTOR

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

'C.R'

K.BABU, J.

Crl.R.P No.588 of 2024

Dated this the 28th day of March, 2025

O R D E R

The challenge in this Criminal Revision Petition is to the order dated 06.05.2024 in Crl.M.P No.326/2024 on the file of the Court of the Enquiry Commissioner and Special Judge, Thiruvananthapuram. The revision petitioner is the complainant.

2. The learned Special Judge rejected the complaint, holding that no offence was made out of the complaint and the other materials produced by the complainant.

The allegations in the complaint.

3. Respondent No.1 in the complaint is the Chief Minister of Kerala. Respondent No.7 is his daughter. The one-person company owned by respondent No.7 is respondent No.6. Respondent No.2 is M/s Cochin Minerals and Rutile Ltd (CMRL). Respondent No.3 is the

Managing Director of CMRL. Respondent No.4 is M/S Kerala Minerals and Metals Limited (KMML). Respondent No.5 is M/S Indian Rare Earths Limited (IREL).

3.1. CMRL was incorporated on 18.08.1999. It requires 1 Lakh metric ton ilmenite per annum for its regular production. Though IREL had assured that it would supply the required quantity of ilmenite, it was not honoured after 1999-2000. Since then, CMRL has been importing low-quality ilmenite from abroad and incurring losses. CMRL incorporated M/S Kerala Rare Earth and Minerals Ltd (KREML) on 17.08.2001 with the object of commencing Mining Project in Kerala. KREML purchased 20.84 hectares of land at Lakshmithoppu in Thrikkunnapuzha Village and 3.67 hectares of land in Arattupuzha Village. The lands were purchased for the mining of minerals and for setting up the mineral complexes. KREML is shown as a joint venture company. CMRL owns 49% of KREML's shares. 7% of shares are owned by CMRL Associates. 20% of the shares are with IREL, and 11% are with KSIDC. The

remaining 30% is with various financial institutions.

3.2. On 15.09.2004, the Department of Industries, Government of Kerala, granted mining leases to KREML to extract minerals from the Kerala coast. But the lease was cancelled on 25.09.2004. The Government of Kerala also rejected other mining applications filed by KREML after obtaining concurrence from the Ministry of Mines. The orders passed by the Government of Kerala were challenged before the Ministry of Mines, Government of India, in revision. The Ministry of Mines, Government of India, set aside the orders passed by the Government of Kerala and directed to reconsider the matter. The Government of Kerala reiterated its earlier order in the light of its Industrial Policy of 2007. KREML challenged this order before the High Court. The Court quashed the orders of the Government. The Government challenged the order of this Court before the Supreme Court. In the meanwhile, as per the order dated 20.02.2019, the Government of India amended the Atomic Minerals Concession Rules, 2016, whereby mining of beach

sand minerals by private companies was prohibited. As per the order dated 19.03.2019, the Chief Controller of Mines, Government of India, decided that the mining lease can invariably be granted to Government companies or Corporations only. The Chief Controller also directed the premature termination of all existing mineral concessions of beach sand minerals by private persons or companies in India.

3.3. On 25.05.2016, respondent No.1 became the Chief Minister of Kerala. During December 2016, CMRL entered into an agreement to obtain IT and Marketing Consultancy Services from respondent No.7. In March 2017, CMRL entered into another agreement with respondent No.6. Based on this agreement, CMRL has agreed to pay Rs.5 Lakhs per month to respondent No.7 and Rs.3 Lakhs per month to respondent No.6-Company. Payments were made as agreed. Neither respondent No.6 nor respondent No.7 provided any services to CMRL. But they received Rs.1.72 Crores based on the agreement with CMRL. These amounts were received by

respondent No.1 through his daughter (respondent No.7). BY receiving these amounts through respondent Nos.6 and 7, respondent No.1 has enriched himself unlawfully. These payments were revealed to the Income Tax Department when the competent officials raided the office of the CMRL in 2019. In the proceedings before the Interim Board for Settlement under the Income Tax Act, the Chief Finance Officer of CMRL revealed that respondent Nos.6 and 7 had not provided any service to them and CMRL was making payments to various functionaries, members of various political parties, media houses, police officials etc, for the smooth functioning of their business, especially in view of the fact that they obtained ilmenite, which is mined by Public Sector Undertakings as their raw materials, which in turn caused adverse environmental impact.

3.4. A man-made flood disaster was created in 2018 to help KREML and CMRL. Thereafter, in the guise of Disaster Management, the Government decided to remove the sand bar

formed on the Thottappally Spillway Mouth in the pretext of protecting the Kuttanad area. An order was passed on 31.05.2019 allowing KMML to remove mineral sand from Thottappally Spillway Mouth at the rate of Rs.464.55 per M^3, excluding GST, excavation and dredging charges. This was the highest amount offered by KMML. While issuing this order, the prevailing rate of minerals per M^3 was purposefully not considered. The contract was granted for a low rate. The sand mined by KMML was supplied to CMRL, which was a favour given by the Government to the company. This was in consideration of the amount received by respondent Nos.6 and 7 without providing any service to CMRL.

3.5. The Taluk Land Board initiated proceedings against KREML. The company submitted applications seeking exemption from ceiling limit as provided in Section 81 (3) of the Kerala Land Reforms Act, 1963. Those applications were rejected by the Government several times earlier. After the agreement between respondent Nos.6 and 7 with CMRL, KREML initiated fresh attempts

to obtain exemption from ceiling limit from the Taluk Land Board.

3.6. On 05.07.2021, KREML again approached respondent No.1 with an application seeking exemption. Respondent No.1, without considering the nature of averments in the application and the previous decisions taken by the Government in this regard, directed the Principal Secretary, Department of Industries, to take an appropriate decision. On 15.06.2022, the District Collector, Alappuzha, convened a meeting and recommended the Land Board to exempt the land from ceiling limits. This is another favour shown by respondent No.1 to CMRL and KREML. This was also in consideration of the amount received by respondent Nos.6 and 7. All the respondents, therefore, have committed the offences punishable under Section 13(1)(b) of the Prevention of Corruption Act, 1988 and Sections 120B and 34 of IPC.

4. The complainant produced 28 documents along with the complaint in support of his allegations.

5. The complainant initially prayed for forwarding the

complaint for investigation under Section 156(3) Cr.PC. Later, the complainant did not press for this relief. Therefore, the Court proceeded to consider whether there were materials to proceed under Section 200 Cr.PC.

6. After hearing the counsel for the complainant and the learned Public Prosecutor, the Court concluded that the complaint is only to be rejected.

7. I have heard Sri.Kuriakose Varghese, the learned counsel for the revision petitioner, Sri.Gilbert George Correya, the learned counsel for respondent Nos.1, 6 and 7, Sri.P.Vijaya Bhanu, the learned Senior Counsel for respondent Nos.2 and 3, Smt.Latha Anand, the learned counsel for respondent No.4, Sri.Gopikrishnan Nambiar, the learned counsel for respondent No.5 and Sri.T.A.Shaji, the learned Director General of Prosecution (DGP).

8. The learned counsel for the revision petitioner made the following submissions:

(a) The impugned order is in the teeth of Section

190 Cr.PC.

(b) The Court did not take the statutory parameters into judicial consideration.

(c) The learned Special Judge adopted a legal procedure wholly unknown to law.

(d) The impugned order declared facts as non-facts.

(e) The learned Special Judge conducted a mini-trial.

(f) The learned Special Judge did not examine the complaint in accordance with the mandate of Section 200 Cr.PC.

(g) The learned Special Judge indulged in subjective reasoning in the face of the statutory bar.

(h) The learned Special Judge did not examine the complainant on oath.

(i) The learned Special Judge illegally permitted the Public Prosecutor to submit a report, objections, etc., in violation of the mandate of Sections 190 and 200 Cr.PC.

(j) The learned Special Judge unfairly rejected the complaint at the threshold.

(k) The learned Special Judge grossly misinterpreted the statutory provisions by weighing and sifting evidence.

(l) The learned Special Judge unlawfully imputed political motives against the complainant.

(m) The learned Special Judge recorded speculative and abstract findings on 'file notings'.

(n) The learned Special Judge did not consider the binding decision of the Interim Board for Settlement under the Income Tax Act.

(o) The learned Special Judge incorrectly went into the probability/improbability of the involvement of the accused.

(p) The learned Special Judge departed from the mandate of Section 190/200 Cr.PC, and conducted a mini-trial, and finally rejected the complaint, which is unknown to law.

9. The learned counsel for respondent Nos.1, 6 and 7 made the following submissions:

9.1. There cannot be any presumption as to the existence of the essential ingredients of the offence under the criminal jurisprudence. The learned Special Judge, on receipt of a complaint of facts, cannot interpret the documents relied on by the complainant to assume the existence of certain facts constituting an offence.

9.2. The order of the Interim Board for Settlement under Section 245D(4) of the Income Tax Act, 1961, being a confidential

document as provided in the statute itself, cannot be relied upon or used against any other person in view of Section 245-I of the Income Tax Act.

9.3. Respondent No.1 has taken the decisions only by the rules of business and with due diligence, responsibility and transparency in consonance with all settled procedures being followed by the Government.

9.4. The nature, quality, quantum and satisfaction of service rendered by respondent No.7 is purely a matter to be decided by the recipient of service (respondent No.2).

10. The learned DGP made the following submissions:

(i) In the complaint, no factual foundation of the offences alleged is made out.

(ii) The complainant has not satisfied the pre-requisite for initiating proceedings under Section 190 Cr.PC.

(iii) The necessity for invoking Section 200 Cr.PC

would arise only when the Magistrate takes cognizance of the offence upon receiving a complaint of facts containing sustainable facts constituting the offence. The entries on loose papers relied on by the de facto complainant have no evidentiary value, and no prosecution could be initiated based on them.

11. The learned Senior Counsel appearing for respondent Nos.2 and 3, 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.

12. Essentially, the complaint is based on the following allegations:

(A) CMRL paid Rs.1.72 Crores to respondent Nos.6 and 7, which was a bribe paid to respondent No.1 for doing favours and misusing his official

position.

(B) Respondent No.1 attempted to misuse his official position to grant exemption for the landed properties owned by KREML from the ceiling limit under the Land Reforms Act.

13. The following are the facts pleaded in the complaint in support of the above-mentioned allegations:

13.1. Respondent No.1 is the Chief Minister of Kerala. Respondent No.7, his daughter manages respondent No.6 company. CMRL, which was incorporated in 1999, needs 1 Lakh metric ton of ilmenite per annum. They have been importing low-quality ilmenite from abroad by incurring loss. The Government of Kerala granted a mining lease to KREML to extract minerals from the Kerala coast on 15.09.2004. The lease was cancelled on 25.09.2004 based on the industrial policy restricting mineral concessions of beach sand to Government companies.

13.2. On 25.05.2016, respondent No.1 became the Chief

Minister of Kerala. In 2016, CMRL agreed to obtain IT and Marketing Consultancy Services from respondent No.7. In March 2017, CMRL entered into another agreement with respondent No.6, based on which, CMRL agreed to pay Rs.5 Lakhs per month to respondent No.7 and Rs.3 Lakhs per month to respondent No.6 company. Though payments were made to respondent Nos.6 and 7, they extended no services to CMRL. Respondent Nos.6 and 7 received Rs.1.72 Crores based on the above-referred agreement.

13.3. Respondent No.1, through his daughter (respondent No.7), received these amounts and enriched himself unlawfully.

13.4. The payments made as mentioned above were revealed to the Income Tax Department when officials raided the CMRL office in 2019.

13.5. In the proceedings before the Interim Board for Settlement under the Income Tax Act, the Chief Finance Officer of CMRL stated that respondent Nos.6 and 7 did not provide any service to them. He also submitted that CMRL was making

payments to members of various political parties, police, media houses, etc,.

13.6. In 2018, a man-made flood disaster was created with the intent to help KREML and CMRL, and thereafter, in the guise of Disaster Management, the Government of Kerala decided to remove the sand bar formed on the Thottappally Spillway Mouth. On 31.05.2019, KMML was allowed to remove mineral sand from the Thottappally Spillway Mouth at the rate of Rs.464.55 per M^3. The rate so fixed was less than the prevailing rate of minerals. The sand mined by KMML was supplied to CMRL. This was in consideration of the amount received by respondent Nos.6 and 7 from CMRL.

13.7. The applications submitted by KREML seeking exemption from the ceiling limit under Section 81(3) of the Kerala Land Reforms Act, 1963 were earlier rejected by the Government. After respondent Nos.6 and 7 entered into an agreement with KREML, they submitted fresh applications to obtain exemption from the

ceiling limit from the Taluk Land Board. On 05.07.2021, KREML submitted a request to respondent No.1 seeking exemption. Respondent No.1 referred the application for the appropriate decision of the Principal Secretary, Department of Industries. On 15.06.2022, the District Collector, Alappuzha convened a meeting and recommended that the Land Board exempt the land owned by the KREML from the ceiling limit. This is also in consideration of the bribe received by respondent No.1 from CMRL and KREML through respondent Nos. 6 and 7.

The findings of the Special Court.

14. The complaint does not reveal the "facts" constituting the offences alleged. The documents relied on by the complainant also do not support the allegations of corruption. The alleged sale of minerals by the KMML and IREL, the two Government Sector Undertakings, to CMRL does not reflect any element of corruption as the supply of minerals was done on payment at a rate fixed as per norms. The complaint does not allege that the supply of

minerals was made at a concessional rate or for a rate beneficial to CMRL. The complaint does not contain any allegation that CMRL obtained raw materials such as ilmenite for a low price. When raw materials are available locally, the cost of procurement may be less compared to procurement from abroad. The complainant could not place any material to establish an element of corruption in this regard.

14.1. The allegation that respondent No.1 attempted to grant exemption for the land owned by KREML from the ceiling limit is not supported by any material. The endorsement made by respondent No.1 in the application submitted by KREML, directing the Principal Secretary, Department of Industries, to take an appropriate decision cannot be the foundation for alleging corruption against him. The course adopted is only a routine procedure when a Minister receives similar petitions. No ulterior motive can be inferred against respondent No.1 for the reason that he forwarded the application to the Principal Secretary concerned

for necessary action. The decision taken by the District Collector, Alappuzha, in favour of KREML in the ceiling proceedings cannot have any link with respondent No.1.

14.2. On 28.04.2023, the request of KREML seeking land exemption was rejected by the Government, which points to the fact that the Government did not favour KREML in the ceiling matter. The subsequent rejection of the application seeking exemption of land from the ceiling limit submitted by KREML by the Government on 25.10.2023 is also relevant. KREML is at liberty to make successive applications under Section 81(3) of the Land Reforms Act seeking exemption. If respondent No.1 ever intended to favour KREML, he had two opportunities to do so: one, after getting a favourable report from the District Collector and another, when the application was later placed for reconsideration after the orders of this Court.

14.3. There are no materials to show a direct business deal between KMML and CMRL. The agreement for the removal of sand

does not show that IREL is jointly engaged with KMML. The mere allegation of the supply of ilmenite by IREL to CMRL is not sufficient to conclude that CMRL received a favour in return of the alleged payments made to respondent Nos.6 and 7.

14.4. The orders dated 28.04.2023 and 25.10.2023 on the applications seeking exemption of land owned by KREML from the ceiling limit were passed after the alleged payment of 1.72 Crores by CMRL to respondent Nos.6 and 7. Therefore, if the complainant's suspicion was true, there would have been a favourable order from the Government.

14.5. The allegation that four mining leases granted to KREML on 15.09.2004 were not cancelled despite the directions given by the Central Government and the leases were cancelled only after the complainant approached the VACB on 05.10.2023 cannot be stretched to any involvement of respondent No.1 as he had sought legal opinion from the learned Advocate General in this regard.

14.6. The extra-judicial confession of the Chief Financial

Officer of CMRL before the Interim Board for Settlement cannot be used to contend that those who received the payments have favoured CMRL in any manner. The argument that the complaint is politically motivated is strengthened when investigation is sought only against respondent Nos.1, 6 and 7.

Consideration

15. The complainant filed a complaint as defined in Section 2(d), under Section 190(1)(a) of the Cr.PC. It is profitable to extract the relevant statutory provisions. Section 2(d) of the Cr.PC reads thus:

> **"2. Definitions.-**
> xxx xxx xxx
> (d) "complaint" means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report."

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."

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

17. 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."

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

19. A mere complaint within the meaning of Section 2(d) without the qualification "facts which constitute an offence" is not sufficient for the competent court to take cognizance of the offences alleged {Vide: **Oommen Chandy v. State of Kerala and Others [2016 (3) KHC 621] : [2016 (3) KLT 126] : [2016 SCC OnLine Ker 20433]**}.

20. 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]**}.

21. On receipt of a written complaint, the five options available to a Judicial Magistrate/Special Judge who is competent to take cognizance of the case are the following:

1) Rejection of complaint : If the complaint on the face of it does not at all make out any offence, then the Magistrate may reject the complaint. This power of rejection at the pre-cognizance stage is inherent in any Magistrate.

2) Where the Magistrate does not reject the complaint at the threshold, he may, without taking cognizance of the offence, order an investigation by the police under S.156(3) CrPC and forward the complaint to the officer in charge of

the police station concerned provided that the complaint alleges the commission of a cognizable offence. Such a course can be adopted by the Magistrate only at the precognizance stage.

3) Taking cognizance of the offence: Where the Magistrate does not order investigation by the police under S.156(3) Cr.PC at the pre-cognizance stage and does not reject the complaint at the threshold, then he may decide to proceed under Chapter XV Cr.PC and thereby take cognizance of the offence provided the allegations in the complaint prima facie make out an offence. If after applying his mind to the allegations made in the complaint the Magistrate takes judicial notice of the accusations and decides to proceed under Chapter XV Cr.PC, he can then be said to have taken cognizance of the offence. But if the Magistrate, instead of proceeding under Chapter XV Cr.PC, takes any other action such as issuing search warrant or

ordering investigation under S. 156(3) Cr.PC, then he cannot be said to have taken cognizance of the offence.

4) Issuing process after S.202 enquiry/investigation : If after himself conducting an enquiry or directing investigation under S.202(1) CrPC the Magistrate is of the opinion that there is sufficient ground for proceeding, he shall then issue summons or warrant against the accused under S.204(1) CrPC depending on the nature of the case.

5) Dismissal of complaint after Sec.202 enquiry/ investigation: If after considering the statements on oath of the complainant and the witnesses if any and the result of the enquiry or investigation if any, under S.202 CrPC the Magistrate is of the opinion that there is no sufficient ground for proceeding, he shall then dismiss the complaint after briefly recording his reasons for doing so. (See Section 203 Cr.PC). {Vide: Raju Puzhankara v. State of Kerala and others [2008 (2) KHC 318], CREF Finance Ltd. v.

CREF Finance Ltd. v. Shree Shanthi Homes (P) Ltd., [2005 (7) SCC 467], Govind Mehta v. State of Bihar (AIR 1971 SC 1708), Nagraj v. State of Mysore (AIR 1964 SC 269), Dilawar Singh v. State of Delhi (AIR 2007 SC 3234), Suresh Chand Jain v. State of M.P. [2001 (2) SCC 628], Tula Ram v Kishore Singh [1977 (4) SCC 459], Mohd. Yousuf v. Smt. Afaq Jahan [2006 (1) SCC 627], Madhu Bala v. Suresh Kumar [AIR 1997 SC 3104], George v. Jacob Mathews (1996 KHC 19), Devarapally Lakshminarayana Reddy v. V. Narayana Reddy [1976 (3) SCC 252], Narsingh Das Tapadia v. Goverdhan Das Partani, (2000) 7 SCC 183 [2000 (7) SCC 183], S.K.Sinha, Chief Enforcement Officer v. Videocon International Ltd., [2008 (2) SCC 492], Punya Prasad Sankota v. Balvadra Dahal [1985 CriLJ 159 (Sikkim)], Manimekhala S. State of Kerala [2024 (2) KHC 37] Biju Purushothaman v. State of Kerala and Others [2008 (3) KHC 24]}.

22. If the complaint, on the face of it, does not disclose the

commission of any offence, the Magistrate shall not take cognizance under Section 190(1)(a) of the Cr.PC. Then, the complaint is simply to be rejected {Vide: **Mehmood Ul Rehman v. Khazir Mohammad Tunda (2015 KHC 2763) : [(2015) 12 SCC 420]**}.

23. If, after perusing the complaint, the Magistrate is of the opinion that the averments therein do not at all spell out any offence, then he should definitely possess the power to throw away the complaint and terminate the matter then and there. The Magistrate can, in such a case, reject the complaint {Vide: **Biju Purushothaman v. State of Kerala [2008 (3) KHC 24]: 2008 (3) KLT 85] : [2008 SCC OnLine Ker 147]** and **Shailaja P. v. Vigilance and Anti Corruption Bureau [2021 (2) KHC 11]: [2021 (2) KLT 294]: [2021 SCC OnLine Ker 836]**}.

24. On receipt of a private complaint, the Magistrate must first scrutinise it to examine if the allegations made in the private complaint, inter alia, smack of an instance of frivolous litigation; and second, examine and elicit the material that supports the case

of the complainant. The Court/Magistrate is judiciously employed to stem the flow of frivolous litigation. He has the duty to identify and dispose of frivolous litigation at an early stage by exercising, substantially and to the fullest extent, the powers conferred on him {Vide: **Krishna Lal Chawla v. State of U.P (2021 KHC 6148): (AIR 2021 SC 1381)**}.

25. The learned counsel for the petitioner contended that the impugned order is in the teeth of Section 190 Cr.PC. It is submitted that the learned Special Judge had not examined the complainant by the mandate of Section 200 Cr.PC and unfairly rejected the complaint at the threshold.

26. The crux of the argument is that the learned Special Judge ought to have taken cognizance of the offence and proceeded to examine the complainant. It is submitted that taking cognizance merely means the judicial application of mind by the Special Judge to the facts mentioned in the complaint with a view to taking further action. It is argued that cognizance merely means 'become aware

of', and when used with reference to a Judge, it connotes "to take notice of judicially". It only points to a process in which the judge takes judicial notice of the offence alleged with a view to initiating proceedings in respect of this. Initiation or commencement of proceedings under Chapter XVI is an entirely different process, and cognizance is only a condition precedent to the initiation of the proceedings by the Magistrate or the Special Judge.

27. As I have mentioned above, the Court may take cognizance of any offence only upon receiving a complaint of facts which constitute such offence. If the complaint does not at all make out any offence on the face of it, then the Magistrate may reject the complaint. Examination of the complainant arises only when a Court takes cognizance of the offence and proceeds under Section 200 Cr.PC.

28. In the present case, the Special Judge was rejecting the complaint at the precognizance stage. The question to be considered here is whether the Special Judge was justified in

rejecting the complaint at the threshold, that is, in the precognizance stage.

29. The allegations in the complaint were that respondent Nos.6 and 7 received money, which was a bribe paid to respondent No.1 for doing favours to CMRL. In support of the allegations, the complainant relied on certain facts. The question is whether the facts relied on by the complainant disclose the offence alleged. The petitioner essentially alleges the following:

(a) Respondent Nos.6 and 7 entered into an agreement with CMRL to provide IT and Marketing consultancy Services for which a sum of Rs.1.72 Crores was transferred to them.

(b) No service was rendered by respondent Nos.6 and 7 to CMRL.

(c) Respondent Nos.6 and 7 received the amount from CMRL to be given to respondent No.1.

(d) Respondent No.1 made efforts to grant exemption

from ceiling limit to the land owned by KREML under the Kerala Land Reforms Act.

30. The facts relied on by the petitioner to connect respondent No.1 with the above allegations are:

30.1. KMML and IREL supplied minerals to KREML. when an application seeking exemption from the ceiling limit in respect of the property owned by KREML was presented before respondent No.1, he forwarded the same to the Secretary concerned for necessary action. The District Collector, Alappuzha recommended exemption of the property owned by KREML from the ceiling limit under the Land Reforms Act. In a proceeding before the Interim Board for Settlement, the Chief Finance Officer of CMRL revealed that respondent Nos.6 and 7 did not provide any service to them, and the company made payments to various political leaders, including respondent No.1.

31. Do these facts constitute the offences alleged? The complainant alleged offences under Section 13(1)(b) of the

Prevention of Corruption Act and Sections 120 (b) and 34 of the Indian Penal Code. These facts at the most triggered a suspicion. With these facts on the face of the complaint, a Court cannot take judicial notice of the alleged offences.

32. The learned counsel for the revision petitioner submitted that the Special Judge did not consider the binding decision of the Interim Board for Settlement under the Income Tax Act. A copy of the order of the Interim Board for Settlement was produced before the Special Judge. The learned counsel submitted that the observation of the Interim Board for Settlement is a "juridical fact" sufficient to set the law in motion against respondent Nos.1, 6 and 7.

33. The proceedings in the Interim Board for Settlement was based on an application filed by the assessee company (CMRL) seeking exemption of certain payments. The proceedings related to income for the assessment years 2013-2014 to 2019-2020. The company wanted to treat huge amounts towards business expenditure, which was rejected by the Department. The Board

held that 1.72 Crores paid to respondent Nos.6 and 7 during the assessment years 2017-2018 to 2019-2020 did not qualify as business expenditure. The authorised officer of the company gave a statement before the Board that respondent Nos.6 and 7 did not provide any service to the company. He also stated that huge sums of money were delivered to political leaders, police officers, media people, etc. The observation of the Board was based on the statement of the authorised representative of the assessee company.

34. The learned counsel for respondent Nos.1, 6 and 7, relying on Sections 132 (4) and 245-I of the Income Tax Act, 1961 submitted that the order of the Interim Board for Settlement is a confidential document, which cannot be relied upon in any other proceedings. Section 132(4) of the Income Tax Act says that any statement made during the examination under this section by any person may be used in evidence in any proceeding under the Income Tax Act, 1961.

35. As per Section 245-I of the Income Tax Act, every order of

settlement passed under sub-section (4) of section 245D shall be conclusive as to the matter stated therein. No matter covered by such order shall, save as otherwise provided in Chapter XIXA, be reopened in any proceeding under the Act or any other law for the time being in force.

36. I cannot accept the contention of the learned counsel for respondent Nos.1, 6 and 7 that the order of the Interim Board for Settlement is a confidential document based on the above-referred statutory provisions.

37. The learned DGP submitted that the statement made by the authorised officer of CMRL before the Interim Board for Settlement based on certain loose papers regarding the receipt of money by political leaders cannot be treated as a fact constituting the offence alleged. The learned DGP, relying on Section 34 of the Indian Evidence Act, submitted that what is relevant under Section 34 of the Evidence Act is entries in the books of account, and a 'Book' means a collection of sheets of paper or other material

fastened or bound together so as to form a material whole. The learned DGP submitted that loose sheets or scraps of paper cannot be termed as 'books' as they can be easily detached and replaced.

38. The statements made by the authorised representative of the assessee company before the Interim Board for Settlement based on the entries in a diary and the observation of the Board thereupon are sought to be treated as “juridical facts” sufficient to enable the Trial Court to proceed further on the complaint under Section 200 Cr.PC. Are those statements “juridical facts” in the context of the offences alleged? The facts that triggered the law to respond in a certain way are called “juridical facts”. The law acknowledges various kinds of juridical facts, each with its own legal consequences leading to a particular legal effect. It is to be noted that the statements made by the authorised officer of the company before the Interim Board for Settlement are to be treated as statements taken at the back of the persons whose names had been referred to. The foundation of the said statements is the

entries in a diary not maintained in the regular course of business which are prima facie not admissible under Section 34 of the Evidence Act. Therefore, the statements referred to above and the observation of the Board based on them are not juridical facts with reference to the offences alleged. Those statements and the observation of the Board cannot be treated as facts constituting the offences alleged.

39. To substantiate the contentions that the learned Special Judge was not expected to look into the merit of the allegations but was bound to examine the complainant and the witnesses to satisfy whether there was sufficient ground for proceeding based on the complaint, the learned counsel for the revision petitioner relied on the following judgments:

1. Nirmaljit Singh Hoon v. State of West Bengal [(1973) 3 SCC 753]
2. Nagawwa v. V.S. Konjalgi [(1976) 3 SCC 736]
3. H.S.Bains, Director, Small Saving-cum-Deputy Secretary

Finance, Punjab Chandigarh v. State (Union Territory of Chandigarh) [(1980) 4 SCC 631]

4. Rajesh Bajaj v. State NCT of Delhi [(1999) 3 SCC 259]

5. Subramanian Swamy v. Manmohan Singh [(2012) 3 SCC 64]

6. Bhushan Kumar v. State (NCT of Delhi) [(2012) 5 SCC 424]

7. State of Chhattisgarh v. Aman Kumar Singh [(2023) 6 SCC 559]

8. Kailash Vijayvargiya v. Rajlakshmi Chaudhuri (2023 SCC OnLine SC 569).

9. Dilip Kumar v. Brajraj Shrivastava (2023 SCC OnLine SC 916)

10. Tula Ram v. Kishore Singh [(1977) 4 SCC 459]

40. In **Nirmaljit Singh Hoon v. State of West Bengal [(1973) 3 SCC 753],** the Supreme Court observed that a Magistrate taking cognizance of an offence under Chapter XV of the Code has to examine the complainant and the witnesses. The object of such

examination is to ascertain whether there is a prima facie case against the person accused of the offence in the complaint, and to prevent the issue of process on a complaint which is either false or vexatious or intended only to harass such a person. Such examination is provided, therefore, to find out whether there is or is not sufficient ground for proceeding.

41. In **Nagawwa v. V.S. Konjalgi [(1976) 3 SCC 736]**, the Supreme Court held that at the stage of issuing process, the Magistrate is mainly concerned with the allegations made in the complaint or the evidence led in support of the same and he is only to be prima facie satisfied whether there are sufficient grounds for proceeding against the accused.

42. In **H.S.Bains, Director, Small Saving-cum-Deputy Secretary Finance, Punjab Chandigarh** v. **State (Union Territory of Chandigarh) [(1980) 4 SCC 631]**, the Supreme Court observed that while taking cognizance of an offence on complaint, the Magistrate is required by Section 200 to examine the complainant and the

witnesses present, if any upon oath.

43. In **Rajesh Bajaj** v. **State NCT of Delhi [(1999) 3 SCC 259],** the Supreme Court observed that it is not necessary that a complainant should verbatim reproduce in the body of his complaint all the ingredients of the offence he is alleging. Nor is it necessary that the complainant should state in so many words that the intention of the accused was dishonest or fraudulent.

44. In **Subramanian Swamy** v. **Manmohan Singh [(2012) 3 SCC 64]** the Supreme Court held that at the time of taking cognizance of the offence, the court is required to consider the averments made in the complaint or the charge-sheet filed under Section 173 and it is not open for the court to analyse the evidence produced at that stage and come to the conclusion that no prima facie case is made out for proceeding further in the matter.

45. In **Bhushan Kumar** v. **State (NCT of Delhi) [(2012) 5 SCC 424]** on the expression "cognizance", in paragraph 11 of the judgment, the Supreme Court observed thus:-

> "11. In *Chief Enforcement Officer* v. *Videocon International Ltd.* [(2008) 2 SCC 492 : (2008) 1 SCC (Cri) 471] (SCC p. 499, para 19) the expression "cognizance" was explained by this Court as "it merely means 'become aware of' and when used with reference to a court or a Judge, it connotes 'to take notice of judicially'. It indicates the point when a court or a Magistrate takes judicial notice of an offence with a view to initiating proceedings in respect of such offence said to have been committed by someone." It is entirely a different thing from initiation of proceedings; rather it is the condition precedent to the initiation of proceedings by the Magistrate or the Judge. Cognizance is taken of cases and not of persons. Under Section 190 of the Code, it is the application of judicial mind to the averments in the complaint that constitutes cognizance. At this stage, the Magistrate has to be satisfied whether there is sufficient ground for proceeding and not whether there is sufficient ground for conviction. Whether the evidence is adequate for supporting the conviction can be determined only at the trial and not at the stage of enquiry. If there is sufficient ground for proceeding then the Magistrate is empowered for issuance of process under Section 204 of the Code."

46. In **State of Chhattisgarh** v. **Aman Kumar Singh [(2023) 6 SCC 559]**, the Supreme Court observed that if criminal prosecution is based upon adequate evidence and the same is otherwise justifiable, it does not become vitiated on account of significant political overtones and mala fide motives.

47. In **Kailash Vijayvargiya** v. **Rajlakshmi Chaudhuri (2023 SCC OnLine SC 569):[(2023) 14 SCC 1]**, the Supreme Court held that even when a private complaint is filed, the Magistrate is not bound to take cognizance under Section 190 as the word used therein is

"may", which should not be construed as "must" for obvious reasons.

48. In **Dilip Kumar** v. **Brajraj Shrivastava (2023 SCC OnLine SC 916)**, the Supreme Court observed that after taking recourse to sub-Section (1) of Section 202 of the Cr.P.C., before dismissing a complaint by taking recourse to Section 203 of the Cr.PC., the learned Magistrate has to consider the statements of the complainant and his witnesses.

49. In **Tula Ram** v. **Kishore Singh [(1977) 4 SCC 459]** the Supreme Court held thus:-

> **"8.** Section 190 of the Code runs thus:
>
> xxx xxx xxx
>
> It seems to us that there is no special charm or any magical formula in the expression "taking cognizance" which merely means judicial application of the mind of the Magistrate to the facts mentioned in the complaint with a view to taking further action. Thus what Section 190 contemplates is that the Magistrate takes cognizance once he makes himself fully conscious and aware of the allegations made in the complaint and decides to examine or test the validity of the said allegations."

50. The requirement of the examination upon oath of the

complainant and the witnesses highlighted in the above precedents is at the stage when the Magistrate proceeds under Chapter XV of the Code after taking cognizance of the offence.

51. The learned Director General of Prosecution relied on the following decisions:

(1) Manimekhala S v. State of Kerala [2024 (2) KHC 37].

(2) Manoj Abraham, IPS v. P.P.Chandrasekharan Nair (2017 (3) KHC 983).

(3) Manohar Lal Sharma v. Union of India [(2017) 11 SCC 777].

52. Relying on **Manimekhala S v. State of Kerala (2024 (2) KHC 37):[2024 (1) KLT 781]**, the learned DGP submitted that the power of rejection at the precognizance stage is inherent in the Magistrate, and he is bound to reject the complaint, if it does not make out any offence on the face of it.

53. In **Manoj Abraham, IPS v. P.P.Chandrasekharan Nair (2017**

(3) KHC 983) this Court held thus:-

> ".....Every Special Judge functioning under the Prevention of Corruption Act must be conscious of his duties and obligations, and also the nature of his functions as a Special Judge. What matters is not just that the complaint alleges an offence. The complaint must disclose an offence. The term `disclose' does not simply mean, that the complaint alleges or reveals an offence. Simply on a complaint which is not supported by any material, investigation cannot be ordered by the Special Courts under the PC Act. The Court must be satisfied that an offence is `disclosed' by the materials including documents, circumstances, etc. Substantiating the allegations in the complaint."

54. In **Manohar Lal Sharma v. Union of India [(2017) 11 SCC 731],** the Supreme Court held that loose sheets of paper are wholly irrelevant as evidence and are not admissible under Section 34 of the Evidence Act so as to constitute evidence with respect to the transactions mentioned therein being of no evidentiary value. In paragraph 283 of the judgment the Supreme Court observed thus:

> "283. We are constrained to observe that the Court has to be on guard while ordering investigation against any important constitutional functionary, officers or any person in the absence of some cogent legally cognizable material. When the material on the basis of which investigation is sought is itself irrelevant to constitute evidence and not admissible in evidence, we have apprehension whether it would be safe to even initiate investigation. In case we do so, the investigation can be ordered as against any person whosoever high in integrity on the basis of irrelevant or inadmissible entry falsely made, by any unscrupulous person or business house that too not kept in regular books of accounts but on random papers at any given point of time. There has to be some

> relevant and admissible evidence and some cogent reason, which is prima facie reliable and that too, supported by some other circumstances pointing out that the particular third person against whom the allegations have been levelled was in fact involved in the matter or he has done some act during that period, which may have co-relations with the random entries. In case we do not insist for all these, the process of law can be abused against all and sundry very easily to achieve ulterior goals and then no democracy can survive in case investigations are lightly set in motion against important constitutional functionaries on the basis of fictitious entries, in absence of cogent and admissible material on record, lest liberty of an individual be compromised unnecessarily. We find the materials which have been placed on record either in the case of Birla Group or in the case of Sahara Group are not maintained in regular course of business and thus lack in required reliability to be made the foundation of a police investigation."

55. The question of the admissibility of the entries in the diary maintained by one of the officials of CMRL and the statement given by him before the Interim Board for Settlement based on such entries is important. The law on the evidentiary value of such entries was considered by the Supreme Court in **CBI** v. **V.C. Shukla [(1998) 3 SCC 410]**. Considering the scope of Section 34 of the Evidence Act, the Supreme Court held that such entries are irrelevant and have no admissibility under Section 34 of the Evidence Act and that only where the entries are made in the books

of accounts regularly kept, depending on the nature of work, that those are admissible. Following **V.C. Shukla** in **Manohar Lal Sharma** (supra), the Supreme Court reiterated this principle. A material which is prima facie not admissible cannot be relied upon by a court of law to take cognizance of an offence in the absence of any other credible material.

56. The learned counsel for the revision petitioner submitted that the Court below has conducted a mini-trial weighing and sifting evidence. The learned counsel for the revision petitioner contended that the Special Court treated the facts as non-facts. I am unable to accept this contention. In the given materials, the facts constituting the offences alleged for taking cognizance are not available.

57. It is trite that weighing and sifting of evidence to see whether the accused deserves a conviction is not the object of the procedure undertaken by the Magistrate while receiving a complaint under Section 190(1) Cr.PC.

58. In the present case, the attempt of the learned Special Judge was to scrutinise and examine if the allegations made in the complaint disclosed the commission of any offence. It was an examination of the material placed before the Special Court to see if they supported the case of the complainant.

59. The learned counsel for the revision petitioner submitted that the Special Judge committed an illegality in permitting the Public Prosecutor to submit objections and report. While a Magistrate/Special Judge proceeds with a complaint under Chapter XIV of the Cr.PC, the Public Prosecutor has no role to play. I am of the view that the Court below should not have permitted the Public Prosecutor to participate in the proceedings at that stage.

60. The learned counsel for the revision petitioner further submitted that the observation of the learned Special Judge that the complaint was politically motivated was unwarranted.

61. On the ground that the revision petitioner had not taken any steps against other political leaders whose names were

highlighted as persons who received payments from CMRL, the learned Special Judge relying on **Ramesh Chennithala v. State of Kerala and Another (2018 KHC 716)** observed that the act of pressing investigation against respondent Nos.1, 6 and 7 would strengthen the argument that complaint was politically motivated. Any member of society must have the locus standi to initiate a criminal proceeding in the interest of the society. One of the essential facets of criminal justice administration is the initiation of criminal proceedings by the citizen or member of polity for the purpose of punishment of an offender in the interest of the society. The revision petitioner is a political leader and a member of the Legislative Assembly. As I have stated above, the facts relied on by the petitioner might probably have sparked suspicion. It was premature for the Special Court to make an observation that political motive might have triggered the revision petitioner for the initiation of the prosecution of the complaint. In my view, the observation was unwarranted, and the same stands quashed.

62. Unless the order passed by the Magistrate is perverse or, the view taken by the court is wholly unreasonable or there is non-consideration 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 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)]}.

63. In the present case, the complainant could only place certain materials highlighting 'suspicions' based on the allegations in the complaint and 'not facts' constituting the offences alleged.

64. An unnecessary investigation or an enquiry into an offence under the Prevention of Corruption Act against a public servant based on such suspicions may cause a blemish on his career or reputation. Being called to appear before a criminal court as an accused is a serious matter that affects one's dignity, self-respect and image in the society {Vide: **Mehmood Ul Rehman v. Khazir Mohammad Tunda, [(2015) 12 SCC 420], Abhijit Pawar v. Hemant Madhukar Nimbalkar [(2017) 3 SCC 528]** and **Vijayan S. v. Central Bureau of Investigation and Others [2021 (6) KHC 467]**}.

65. In view of the finding that the complainant failed to place facts constituting the offences alleged, the revision petition is only to be dismissed.

66. It is made clear that rejection of the complaint does not preclude the complainant from filing a fresh complaint with adequate materials in future.

The Criminal Revision Petition stands dismissed.

Sd/-
K.BABU,
JUDGE

KAS/TKS

APPENDIX OF CRL.REV.PET 588/2024

PETITIONER ANNEXURES

Annexure A1	**TRUE COPY OF THE LETTER BEARING NO.695 DATED NIL ISSUED BY KSIDC TO THE DISTRICT COLLECTOR, ALAPPUZHA**
Annexure A1(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE LETTER BEARING NO.695 DATED NIL ISSUED BY KSIDC TO DISTRICT COLLECTOR**
Annexure A2	**TRUE COPY OF THE RELEVANT EXTRACT OF THE PROJECT REPORT SUBMITTED BY KREML**
Annexure A3	**TRUE COPY OF THE GOVERNMENT ORDER BEARING GO (RT) NO. 385/2019 DATED 31.05.2019 ISSUED BY THE WATER RESOURCES (IR) DEPARTMENT, GOVERNMENT OF KERALA**
Annexure A4	**TRUE COPY OF THE AGREEMENT NO. 47/SE/ISC/2019-20 DATED 11.10.2019**
Annexure A5	**TRUE COPY OF THE ORDER BEARING NO. DMC 2-513/2016 DATED 22.05.2020 ISSUED BY DISTRICT DISASTER MANAGEMENT AUTHORITY**
Annexure A6	**TRUE COPY OF THE SHOW CAUSE NOTICE DATED 04.06.2020 ISSUED BY THE OFFICE OF COLLECTORATE, ALAPPUZHA**
Annexure A7	**TRUE COPY OF THE DISTRICT DISASTER MANAGEMENT AUTHORITY ALAPPUZHA (DISTRICT COLLECTOR) VIDE ORDER BEARING NO. DMC 2-513/16 DATED 24.06.2020**
Annexure A8	**TRUE COPY OF RELEVANT EXTRACT OF FILE NOTE BEARING NO. 21 DATED 03.04.2021**

Annexure A9	**TRUE COPY OF THE LETTER BEARING NO. 02023/KREML/2021/001 DATED 05.07.2021 FROM KREML TO RESPONDENT NO. 1**
Annexure A10	**TRUE COPY OF RELEVANT EXTRACT OF FILE NOTE BEARING NO. 74 DATED 19.11.2021**
Annexure A11	**TRUE COPY OF RELEVANT EXTRACT OF FILE NOTE DATED 19.08.2022 PREPARED BY VARSHA LAKSHMANAN**
Annexure A12	**TRUE COPY OF THE RELEVANT EXTRACT OF FILE NOTE BEARING NO. 94 DATED NIL**
Annexure A13	**TRUE COPY OF THE ORDER DATED 12.06.2023 PASSED BY THE LD. INTERIM BOARD FOR SETTLEMENT-II, NEW DELHI**
Annexure A14	**TRUE COPY OF THE COMPLAINT DATED 05.10.2023 FILED BEFORE THE DIRECTOR, VIGILANCE AND ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM**
Annexure A15	**TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT OF PETITION BEARING PETITION NO. 42331/2023/DVACB DATED 05.10.2023 ISSUED BY THE DIRECTORATE, VIGILANCE AND ANTI-CORRUPTION BUREAU**
Annexure A16	**TRUE COPY OF THE COMPLAINT DATED 19.02.2024 FILED BEFORE THE VIGILANCE AND ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM**
Annexure A17	**TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT BEARING NO. 8484, ISSUED BY THE DIRECTORATE, VIGILANCE AND ANTI-CORRUPTION BUREAU, THIRUVANANTHAPURAM**

Annexure A18	**TRUE COPY OF THE COMPLAINT BEARING CRL. M.P. NO. 326 OF 2024 DATED 26.02.2024 FILED BEFORE THE LD. ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THIRUVANANTHAPURAM, WITHOUT ANNEXURES**
Annexure A19	**TRUE COPY OF THE LETTER BEARING FILE NO. 1/1/2019-M.VI DATED 01.03.2019 ISSUED BY MINISTRY OF MINES**
Annexure A19(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE LETTER BEARING FILE NO. 1/1/2019-M.VI DATED 01.03.2019 ISSUED BY MINISTRY OF MINES**
Annexure A20	**TRUE COPY OF THE LETTER BEARING NO. SPA(C)/37/GP/2017 CCOM DATED 19.03.2019 ISSUED BY OFFICE OF THE CHIEF CONTROLLER OF MINES, MINISTRY OF MINES**
Annexure A20(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE LETTER BEARING NO. SPA(C)/37/GP/2017 CCOM DATED 19.03.2019 ISSUED BY OFFICE OF THE CHIEF CONTROLLER OF MINES, MINISTRY OF MINES**
Annexure A21	**TRUE COPY OF THE LETTER BEARING NO. 2955/M1/ 2019 DATED 12.04.2019 ISSUED BY THE DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY**
Annexure A21(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE LETTER BEARING NO. 2955/M1/ 2019 DATED 12.04.2019 ISSUED BY THE DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY**
Annexure A22	**TRUE COPY OF THE CIRCULATION NOTE ISSUED BY THE INDUSTRIES (A) DEPARTMENT DATED 19.10.2019**

Annexure A22(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE CIRCULATION NOTE ISSUED BY THE INDUSTRIES (A) DEPARTMENT DATED 19.10.2019**
Annexure A23	**TRUE COPY OF THE LETTER ISSUED BY THE OFFICE OF EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT**
Annexure A23(a)	**TRUE TYPED COPY OF THE RELEVANT EXTRACT OF THE LETTER ISSUED BY THE OFFICE OF EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT**
Annexure A24	**TRUE COPY OF THE RELEVANT EXTRACTS OF THE ANNUAL REPORT OF CMRL FOR THE YEAR 2020-2021**
Annexure A24(a)	**TRUE COPY OF THE RELEVANT EXTRACT OF LIST OF E-WAY BILLS OF MARCH 2022**
Annexure A25	**TRUE COPY OF THE RELEVANT EXTRACT OF THE FILE NOTE BEARING NO. 75 DATED 10.01.2023 PREPARED BY SINDHUJA K. R.**
Annexure A25(a)	**TRUE COPY OF THE FILE NOTE BEARING NO. 100 DATED 10.01.2023 PREPARED BY VARSHA LAKSHMANAN**
Annexure A26	**TRUE COPY OF THE RELEVANT EXTRACT OF THE FILE NOTE BEARING NO. 102 PREPARED BY MANOJ P**
Annexure A27	**TRUE COPY OF THE JUDGEMENT DATED 03.08.2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 21546 OF 2023**
Annexure A28	**TRUE COPY OF THE RELEVANT EXTRACT OF THE ANNUAL REPORT OF KMML OF THE YEAR 2021-2022**

Annexure A29	**TRUE COPY OF THE RELEVANT EXTRACT OF LIST OF E-WAY BILLS FOR JANUARY 2024**
Annexure A30	**TRUE COPY OF THE AFFIDAVIT DATED 26.02.2024 FILED BY THE APPLICANT IN CRL. M. P. 326 OF 2024 BEFORE THE LD. ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE) COURT, THIRUVANANTHAPURAM**
Annexure A31	**TRUE COPY OF THE RELEVANT EXTRACT OF LIST OF PUBLIC SECTOR UNDERTAKINGS PUBLISHED BY BPT**
Annexure A32	**TRUE COPY OF THE LIST OF E-WAY BILLS OF MARCH 2024**
Annexure A33	**TRUE COPY OF THE REPORT DATED 13.03.2024 FILED BY SRI. RENJITH KUMAR L. R., LD. PUBLIC PROSECUTOR IN CRL. M. P. NO. 326 OF 2024**
Annexure A34	**TRUE COPY OF THE PETITION DATED 02.04.2024 FILED BY THE APPLICANT IN CRL. M. P. 326 OF 2024 BEFORE THE LD. ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE) COURT, THIRUVANANTHAPURAM**
Annexure A35	**TRUE COPY OF THE ADVANCE PETITION DATED 02.04.2024 FILED BY THE APPLICANT IN CRL. M. P. 326 OF 2024 BEFORE THE LD. ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE) COURT, THIRUVANANTHAPURAM**