



Indian Law Reports - Kerala Series

Abridged Index

Latest decisions – 20.11.2024

Once the sanctioning authority has taken note of the factum of commission of an offence, as disclosed from the records of the investigation, non mentioning of the Section which constitute the offence cannot be fatal—Alteration of charge by incorporating a missing charge does not require fresh sanction under Section 197, Cr. PC - Kamaludheen v. State of Kerala, I.L.R. 2024 (4) Ker. 677. [Neutral citation – 2024:KER: 72166](#)

While a party to the lis cannot file an application seeking alteration of charge as a matter of right, it is well within the contemplation of law to bring to the notice of the Court concerned about the infirmity with respect to the charge framed—The power is ultimately exercised by the Court only, as envisaged in Section 216, Cr. PC and the party who prefers application merely triggers the Court to exercise such power - Kamaludheen v. State of Kerala, I.L.R. 2024 (4) Ker. 677. [Neutral citation – 2024:KER: 72166](#)

Merely because Advisory Board opined that the order of detention was sustainable, it does not absolve agents of Detaining Authority/Central Government from the responsibility to immediately forward representation to Competent Authority and Detaining Authority or Central Government to consider and decide such a representation speedily—Simply because there has been an indifferent approach on the part of Jail Authorities in ensuring that the detenu's representation is forwarded at the earliest, the detenu's valuable right to have his representation promptly decided cannot be denied—Jaseela Shaji v. Union of India, I.L.R. 2024 (4) Ker. 631(S.C.).

[Neutral citation – 2024 INSC 683](#)

Though it may not be necessary to furnish copies of each and every document to which a casual or passing reference has been made, it is imperative that every such document which has been relied on by Detaining Authority and which affects the right of the detenu to make an effective representation under Article 22 (5), has to be supplied to detenu—A distinction will have to be drawn between detention order passed on various grounds and the detention order passed on one ground relying on various materials— Jaseela Shaji v. Union of India, I.L.R. 2024 (4) Ker.631(S.C.).

[Neutral citation – 2024 INSC 683](#)

The Motor Accidents Claims Tribunal lacks the power to review its decision or to exercise inherent powers to recall an award, except in matters related to procedure or when allegations of fraud or misrepresentation are involved— Managing Partner, Prime Sanitarries v. Pathumma, I.L.R. 2024 (4) Ker. 709. [Neutral citation – 2024:KER: 75318](#)

Contempt proceeding initiated on the basis of a letter written by a learned Single Judge to the Hon'ble Chief Justice—Such letter was not supplied to the respondent along with notice issued by the High Court—The letter was also not part of Judge's papers in the Contempt case—Initiating Contempt proceedings without perusing the letter and failure to supply copy of the letter to the respondent at the first instance, are incurable defects—Respondent is entitled to be discharged of charge of contempt - Suo Motu v. Yeshwanth Shenoy, I.L.R. 2024 (4) Ker. 662. [Neutral citation – 2024:KER: 78880](#)

Criminal and Departmental proceedings are entirely different—Standard of proof, the mode of enquiry and the rule governing the enquiry and trial in criminal and disciplinary proceedings are entirely distinct and different—An acquittal in a criminal case does not, by itself, absolve a person from liability in disciplinary proceeding - Palakkad District Co-operative Bank Managing Committee v. Raghavan,I.L.R. 2024 (4) Ker. 698. [Neutral citation – 2024:KER: 76324](#)

The restriction repugnant to the absolute interest should be in the matter of enjoyment of the property—Life interest created over property is not hit by operation of Section 11 -Santha Bai v. Anusuya Bai, I.L.R. 2024 (4) Ker. 686. [Neutral citation – 2024:KER: 74753](#)
