



Indian Law Reports - Kerala Series

Abridged Index

ILR Index of reported cases dt. 23.04.2025

Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)—Section 253—Trial court to decide how to manage the prosecution under the PMLA and the predicate offence—It may, in its discretion, allow the Enforcement Directorate to examine key witnesses relating to money laundering while deferring other evidence until the predicate offence is decided—However, if such a course prejudices either party, the court may conduct the full trial but withhold judgment until the predicate offence is concluded— Section 140—Bharatiya Sakshiya Adhiniyam, 2023 (Central Act 47 of 2023) - Samsuddin A.K. v. Union of India and others - I.L.R. 2025 Kerala OnLine 133 : [Neutral Citation No. 2025:KER:24506](#).

Code of Criminal Procedure, 1973 (Central Act 2 of 1974)—Section 172 —Tribunal is not justified in summoning the case diary for the purpose of an inquiry under Section 168 of the Motor vehicles Act—Motor Vehicles Act, 1988 (Central Act 59 of 1988)—Section 168 - Santha Kumari Amma and another v. Thara T. Pillai and another - I.L.R. 2025 Kerala OnLine 136 : [Neutral Citation No. 2025:KER:28381](#).

Constitution of India—Article 22(1)—When arrested accused alleges non-compliance with the requirements of Article 22(1) of the Constitution, the burden will always be on the Investigating Officer/Agency to prove compliance of requirements of Article 22(1)—On failure to comply with the requirement of informing grounds of arrest, as mandated under Article 22(1) of the Constitution, the arrest is vitiated and the person

arrested cannot continue in custody even for a second - Babu M. v. State of Kerala and another - I.L.R. 2025 Kerala OnLine 137 : [Neutral Citation No.2025:KER:30501.](#)

Constitution of India—Articles 246A, 265 and 366(12A)—When the words used in the Constitutional text have acquired a meaning through judicial interpretation over the years, one must assume that that it is the same sense in which the word is used when inserted into the Constitution through a later amendment—The concepts of self-supply or self-service are not envisioned under the Constitution for the purposes of the levy – When a word/concept in the Constitution has been interpreted by the Supreme Court in a particular manner, a legislative body, that derives its legislative competence to enact a Statute from the Constitution, cannot give to the word/concept a meaning that goes against the meaning assigned to the same word/concept by the Supreme Court in the context of its setting under the Constitution—The insertion of a statutory provision that alters the basis of indirect taxation with retrospective effect, so as to tax persons for a prior period when they had not anticipated such a levy and, consequently, had not obtained an opportunity to collect the tax from the recipient of their services, militates against the concept of Rule of Law—Section 2(17)(e) and Section 7(1)(aa) and the Explanation thereto of the CGST Act, 2017 and the provisions of Section 2(17)(e) and Section 7(1)(aa) and the Explanation thereto of the KGST Act, are declared as unconstitutional—Central Goods and Services Tax Act, 2017 (Central Act 12 of 2017) — Sections 2(17)(e) and 7(1)(aa) —Goods and Services Tax Act, 2017 (Kerala Act 20 of 2017)—Sections 2(17)(e) and 7(1)(aa) - Indian Medical Association, Kerala State Branch v. Union of India and others - I.L.R. 2025 Kerala OnLine 139 : [Neutral Citation No.2025:KER:30517.](#)

Court Fees and Suits Valuation Act, 1959 (Kerala Act 10 of 1960)—Schedule, Article 1A— Court fee payable in an appeal from suit for compensation—Appeal filed after amendment of 2025 came into force – Court fee is payable on the basis of the amended provisions as the Court fee has been reduced as per the amendment—Appellants in all appeals filed after 01.04.2025 arising from the proceedings mentioned in Article 1A Schedule I of the Act are liable to pay court fee at 1% as provided therein - Nettoor Sreedharan v. Chandran P.V. and others - I.L.R. 2025 Kerala OnLine 140 : Neutral Citation Number : 2025:IO:KER:8.

Hindu Marriage Act, 1955 (Central Act 25 of 1955)—Section 13(1)(ia)— A marriage does not grant one partner the authority to dictate the other spouse's personal beliefs, whether it is spiritual or otherwise— Compelling the wife to adopt spiritual life of husband, causing mental distress to her, amounts to mental cruelty—Persistent neglect, lack of affection, and denial of conjugal rights without valid reasons would cause severe mental to the spouse - xxxxxxxx v. xxxxxxxx - I.L.R. 2025 Kerala OnLine 134 : [Neutral Citation No. 2025:KER:25098.](#)

Land Assignment Act, 1960 (Kerala Act 30 of 1960)—Assignment of land left as excess, out of the land acquired - Auction of such land - First the excess land has to be disposed of as per the need of other Government Departments or local bodies for public purpose - If there are no such requirements, then the land can be auctioned - State of Kerala and others v. Haridasan T.V. and others - I.L.R. 2025 Kerala OnLine 135 : [Neutral Citation No. 2025:KER:287275](#)

Prevention of Money Laundering Act, 2002 (Central Act 15 of 2003)—Section 3—Money laundering is a continuing offence that persists as long as the proceeds of crime are possessed, used, concealed, or projected as untainted, regardless of when the predicate offence occurred—Prosecution under the PMLA does not violate Article 20 (1) if the acts constituting money laundering under the provision occur after the law came into force— Article 20(1)—Constitution of India - Samsuddin A.K. v. Union of India and others - I.L.R. 2025 Kerala OnLine 133 : [Neutral Citation No. 2025:KER:24506](#).

Right to Information Act, 2005 (Central Act 22 of 2005)—Section 2(f)—The legal authority of the Registrar of Co-operative Societies under the Co-operative Societies Act, to access certain documents from a Co-operative society renders such documents “accessible” under Section 2(f) of the Right to Information Act, 2005, and consequently, they can be furnished to an applicant by the public authority—Kerala Co-operative Societies Act, 1969 (Kerala Act 21 of 1969) - Muppathadam Service Co-operative Bank v. State Chief Information Commissioner and others - I.L.R. 2025 Kerala OnLine 138 : [Neutral Citation No. 2025:KER:28555](#).
