

News

A Kerala judge challenges the Supreme Court's decision to close 1,900 minor cases.



In response to the officer's plea, which said that she had closed the cases while acting in good faith to minimize backlog, the State was asked to respond.

In *Sony AS v. State of Kerala & Ors.*, a Keralan judicial officer has petitioned the Supreme Court to overturn disciplinary action issued against her by the High Court for halting proceedings in over 1,900 minor criminal cases over ten years ago.

In response to her appeal against two Kerala High Court rulings that upheld the

disciplinary penalty and denied her attempt to regain seniority, increments, and service perks, a bench of Justices Vikram Nath and Sandeep Mehta requested a response from the State of Kerala.

The matter began in 2016 when the officer, who was a Judicial First Class Magistrate in Kollam at the time, used her authority under Section 258 of the Code of Criminal Procedure to halt proceedings in more than 1,900 summons cases including infractions like drunk driving and reckless driving. Due to the accused's persistent failure to appear despite coercive measures, the cases had been pending for years.

Her appeal claims that these orders were issued in good faith to clear the backlog in compliance with administrative directives urging magistrates to give contested proceedings top priority. She said that the Registrar (Subordinate Judiciary) later praised her efforts in several letters of appreciation between 2018 and 2022.

However, a charge letter alleging "deliberate disobedience" of an office memo issued three years prior was handed to her in September 2018. The main punishment of withholding two increments with cumulative effect was imposed in April 2022 as a result of the disciplinary proceedings, and it was later upheld on review in June 2024.

The penalty severely hampered the officer's chances of advancement and seniority, since her probation had already been postponed by several years. She claimed that the action violated the Kerala Judicial Officers Protection Act of 1963 and the Judges (Protection) Act of 1985, which protect judges from civil or disciplinary action for actions taken in good faith while performing their duties.

The Kerala High Court rejected her challenge. In July 2025, a Division Bench upheld the High Court's single judge's decision to not intervene, ruling that the sentence could not be altered.

Senior Advocate PB Suresh argued before the Supreme Court on behalf of the officer that disciplinary actions cannot result from court decisions unless there is proof of malice, corruption, or extraneous intent.

He maintained that the Code of Criminal Procedure's statutory discretion cannot be limited by administrative circulars. He wanted seniority and related perks to be restored, as well as all disciplinary orders to be overturned.

After the State of Kerala submits its answer in four weeks, the matter is anticipated to be heard again in accordance with the Court's notice.

The petitioner was represented by senior lawyer PB Suresh, as well as advocates Vipin Nair and Deeksha Gupta.

Lawread