

## Cases in which Fr. Joshy Puthuva is accused (A2)

S. N O.	CASE NO.	NAME OF COURT	PETITIONER	REMARKS
1	CMP-5003/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
2	CMP-5005/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
3	CC-93/22	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
4	CMP-5009/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
5	CMP-5011/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
6	CMP-5013/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now

7	CMP-5015/18	CJM Court, Thrikkakara	Joshy Varghese	High & Supreme Courts have found him prima facie guilty under U/s 120B,406,423 r/w 34 of IPC and asked to undergo trial. Fr. Joshy Puthuva is on bail now
8	IA - 3049/2019	Munsiff's Court, Ekm	Catholic Truth Ch. Society	Case is pending in Munciff Court Ernakulam
9	IA - 3048/2019	Munsiff's Court, Ekm	Catholic Truth Ch. Society	Case is pending in Munciff Court Ernakulam
10	OS-527/2019	Munsiff's Court, Ekm	Catholic Truth Ch. Society	Case is pending in Munciff Court Ernakulam
11	CMP-744/2019	CJM, Ernakulam	Polachan Puthuppara	Police have filed report of fraudulent Patta
12	CMP-820/2019	CJM, Ernakulam	Pappachan Athappilly	The Police filed report mistake of facts. Protest complaint is filed by the petitioner.
13	CrI. MP 2997/2019	CJM Ernakulam	Shine Varghese	Case is pending
14		Sessions Court, Ekm	Jogy Devasy & John Kallokaran	Case in progress in Sessions Court
15	OS 319/2019	Munciff Court, Muvatpza	Martin Payyappilly	Case in Progress

IN THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD  
 Present:- Smt. Rajani Mohan C, Judicial First Class Magistrate  
 Dated this the 16<sup>th</sup> day of May, 2023

CMP 1208/23 in CC 632/2019

Petitioner / : Joshy Varghese, Age 56  
 Complainant S/o. Vareeth, Thelakkadan House,  
 Malamuri Bhagom, Pulluvazhy Kara,  
 Rayamangalam village  
 (By Adv. Sri.V. Rajendran)

Respondent : A2 Rev. Fr Joshy Puthuva, Age 44, Pro. Vikar  
 Accused St. Johns Church, University Centre,  
 CUSAT, Kochi – 682 032.

(By Adv. Jijo Paul Kallookkaran)  
 A3 Saju Varghese, Age 40  
 S/o John Varghese, Golden Oke Villa,  
 Padamugal, Kakkanad.

(By Adv. Sri. K.V Sabu)

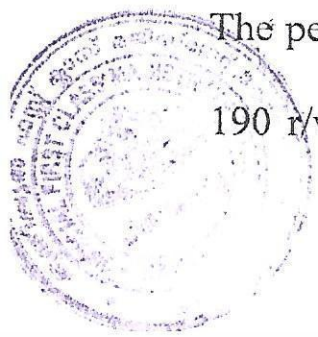
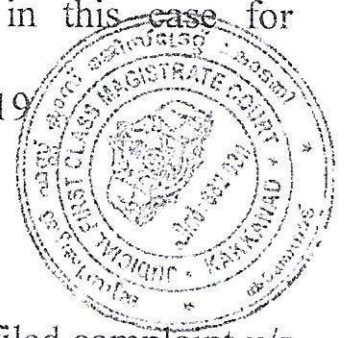
Order : Disposed off

ORDER

This is an application filed by defacto complainant in this case for  
 cancellation of bail bond executed by A2 & A3 in CC 632/19

2. The averments in the petition in brief as follows:

The petitioner is the defacto complainant in this case and filed complaint u/s  
 190 r/w 200 of Crpc alleging commission of offences u/s 120B, 406, 409,



418, 420, 423, 465, 467, 468, r/w 34 of IPC. After hearing the complaint has been taken into file as this case for the offences punishable u/s 120B, 406 & 423 r/w 34 of IPC. After taking cognizance summons was issued to all accused. A2 & A3 appeared on summons and they enlarged on bail. Bail granted to 2<sup>nd</sup> accused on a condition to execute bond of Rs.25000/- with two solvent sureties and 3<sup>rd</sup> accused on condition to execute bond of Rs.50000/- with 2 solvent sureties each for the like sum. Petitioner contended that this court has granted bail to the 2<sup>nd</sup> and 3<sup>rd</sup> accused without imposing any condition stipulated u/s 437(3) of Crpc. More than that the accused appeared before court without giving any notice to the defacto complainant. Hence it is essential to cancel the bail bond executed by 2<sup>nd</sup> and 3<sup>rd</sup> accused. Hence this petition.

3. The 2<sup>nd</sup> accused filed objection contended that he has granted bail by this court on 11/05/22 on condition to execute bond for Rs.25000/- with 2 solvent sureties. At the time of considering the bail application, the defacto complainant did not raise any objection about it. More than that the present petition for cancellation of bail bond filed by defacto complainant only after 11 months after executing bond by 2<sup>nd</sup> accused.

4. The 3<sup>rd</sup> accused filed objection contended that this petition is not maintainable either in law or on facts. 3<sup>rd</sup> accused stated that after getting summons he appeared and enlarged on bail on executing bond u/s 437 of

Crpc. Imposing of further condition is not necessary as against this accused.  
Hence pressed for dismissal of this petition.

5. Heard both sides. Perused records and rulings placed by both sides.

6. The only question which arises is

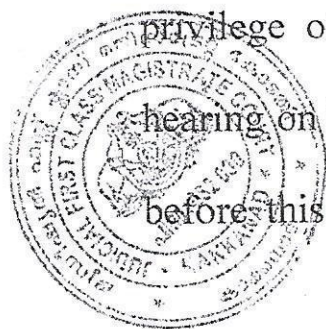
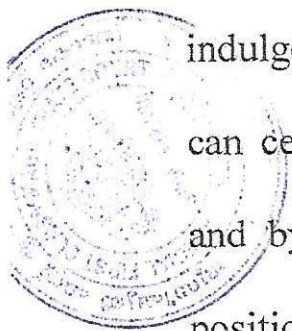
1. Whether the bail bond executed by A2 & A3 are liable to be cancelled?

7. On perusal of records it is seen that 2<sup>nd</sup> accused has granted bail with a condition to execute bond of Rs. 25,000/- with two solvent sureties each for like sum & 3<sup>rd</sup> accused has granted bail with a condition to execute bond of Rs.50,000/- with 2 solvent sureties each for the like sum. There is no dispute with respect to the fact that both accused had executed the order of this court. Only dispute in respect of non imposing of conditions stipulated u/s 437 (3) of Crpc. Sec. 437 deals with bail in case of non bailable offence. Sec. 437(3) deals about when a person accused or suspected of the commission of an offence punishable with imprisonment which may extent to seven years or more or of an offence under chapter VI, Chapter XVI or chapter XVII of IPC or abetment of , or conspiracy or attempt to commit, any such offence, is released on bail under sub section (1) court shall impose the following conditions:- (1) that such person shall attend in accordance with the condition of the bond executed under this chapter, (2) that such person shall



not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and (3) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence, and may also impose, in the interest of justice, such other conditions as it consider necessary.

8. In the instant case, cancellation of bail bond executed by 2<sup>nd</sup> and 3<sup>rd</sup> accused sought by defacto complainant based on the apprehension that there is every possibility of influencing witnesses since the accused persons are holding higher position in the church. Defacto complainant submitted that there is preponderance of probabilities that the accused has attempted to tamper with the witnesses. When an accused tries to interfere with the course of justice or attempts to tamper with evidence or witnesses or threaten witness or indulged in similar activities which would frustrate the fair trial, bail granted can certainly be cancelled. Taking into account of all these circumstances and by applying the test of balance of probabilities and considering the positions held by accused persons, there is every chance to misuse the privilege of bail granted to them. But on perusal of records and upon hearing on both sides there is no any materials or sufficient evidence placed before this court to show that the accused contacted any of witnesses or



tampering with evidence, so as to cancel their bail bond executed by them. There is nothing to show that there is no other piece of evidence to show that both accused in any way tampered with the witness or influenced them. Hence the prayer for cancellation of bail bond executed by A2 & A3 cannot be sustained. Instead of that, this court can impose conditions on A2 & A3 stipulated u/s 437 (3) of Crpc. Hence the bail order granted to both accused hereby modified as follows.

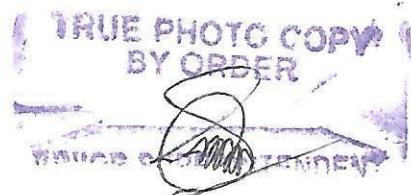
1. A2 & A3 shall not commit any offence similar to the offence of which they are accused, or suspected
2. A2 & A3 shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or tamper with the evidence

In the result petition is disposed off as accordingly.

Dictated to the Confidential Asst., type written by her, corrected and pronounced by me, in open court, on this 16<sup>th</sup> day of May, 2023.



Judicial First Class Magistrate, Kakkanad



OF THE JUDICIAL FIRST CLASS  
MAGISTRATE KAKINADA

1. ENTRY APPLICATION NO. CA 477/23  
2. YEAR AND NO. OF CASE C.C. 632/19  
3. NAME OF APPLICANT ADV. J. Prasad D  
4. NO AND DATE OF APPLICATION 16/5/23 Antony  
5. DATE OF CALLING FOR  
STAMP PAPERS 19/5/23  
6. DATE OF PRODUCTION OF  
STAMP PAPERS 19/5/23  
7. DATE OF CALLING FOR  
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9. DATE WHEN COPY  
MADE READY 19/5/23  
10. DATE NOTIFIED FOR APPEARANCE  
TO RECEIVE THE COPY 19/5/23  
11. DATE OF DELIVERY OF COPY 31.5.23  
No of Sheet 50 Pa 7.52.6

AMINER

JR. SUPERINTENDENT





IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, KAKKANAD

Present: Smt.Laijumol Sherif, Judicial First Class Magistrate

Dated this the 20<sup>th</sup> day of January, 2020

Crl.MP No : 5011/ 2018



Complainant

: Joshy Varghese, Age 56,  
S/o Vareeth,  
Thelakkadan Veettil,  
Malamuribhagath,  
Pulluvazhikarayil,  
Rayamangalam Village  
(By Adv. Sri. V Rajendran)



Respondent

- 1 Cardinal Mar George Alanchery, Age 73,  
S/o Late Philippose,  
Major Arch Bishop Syro Malabar Church,  
Arch Bishop House,  
Broadway, Ernakulam.  
(By Adv. Sri. John Varghese)
- 2 Rev.Fr. Joshy Puduva, Age 44,  
Pro.Vicar, St.Johns Church,  
University Centre,  
CUSAT, Kochi.

Proceedings

: U/s 190 r/w 200 of Cr PC

Order

: Taken on file for offences punishable U/s 120 B,  
406, 423 IPC r/w 34 of IPC .



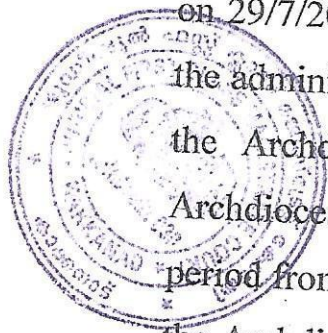
ORDER

This is a complaint filed u/s 190 r/w 200 of Cr PC alleging commission of offences punishable u/s 120 B, 406, 409, 418, 420, 423, 465, 467, 468 IPC r/w 34 of IPC .

2.The averments in the complaint in brief is as follows:-

The complainant is a member of the St.Mary's Church, Perumbavoor, and a believer of the Roman Catholic Church . Said church is one among the parish administered by the Archdiocese of Ernakulam-Angamaly. The Archdiocese of

Ernakulam - Angamali was established in the year 1992. The first respondent is the Major Arch Bishop of the said Archdiocese . He was ordained as the Cardinal of SyroMalabar Church. on 06/01/12. The Archdiocese of Ernakulam -Angamali has been administering various educational institutions, orphanages, old age homes, convents, monasteries and hospitals in addition to the 338 churches under it. The Archdiocese is having assets worth crores and crores of rupees, both movable and immovable ones. The 1<sup>st</sup> respondent being the Major Arch Bishop and Cardinal of the Archdiocese is the person who is having administrative control of the entire assets of the Archdiocese including immovable properties. The main source of income of the Archdiocese is the financial contribution made by the congregation of the parishes. The present modified bylaw of the Archdiocese came into force on 29/7/2009. The said bylaw prescribes the provisions and procedures for the administration and management of the movable and immovable assets of the Archdiocese. The 2<sup>nd</sup> respondent was the financial officer of the Archdiocese. The respondents entered into a criminal conspiracy during the period from 2012 to 2017 for disposing some of the immovable properties of the Archdiocese .In pursuance of their criminal conspiracy the respondents alienated properties which fetch value of crores of rupees which resulted in unlawful gain to them and heavy financial loss to the Archdiocese. The respondents sold out the property of the Archdiocese having an extend of 40.276 acres comprised in Survey No.809/19 in block No.8 of Kakkanad village by entering into a criminal conspiracy by creating forged documents and by cheating the Archdiocese. Further the respondents without any authority alienated certain other immovable properties and availed huge financial gain in the name of the Archdiocese creating exorbitant liabilities to the Archdiocese which has fatally affected even the very existence of the Archdiocese. Though the Archdiocese had an idea to start a Private Medical College, later the idea was abandoned since the same was not felt to be



feasible to be worked out at that point time. But the respondents without mandatory consultations as stipulated in the bylaw of the Archdiocese and revived the said proposal.

3. The 1<sup>st</sup> respondent registered a Power of Attorney in favour of the 2<sup>nd</sup> respondent as document No. 546/2014 dated 28/11/2019 of Ernakulam Sub Registry and thereby appointed and authorised the 2<sup>nd</sup> respondent to deal with the immovable properties of the Archdiocese. Subsequent to the said documents, nearly 22-23 acres of land was purchased for a total sale consideration of more than Rs 31.5 crores in favour of the Archdiocese availing financial loan to the tune of Rs 58.2 crores in the name of Archdiocese from the South Indian Bank, Ernakulam Branch that too without any necessary consultations. While availing financial loans for purchasing the property in favour of the Archdiocese, the respondents violated the provisions of the codified bylaw. The respondents conspired together and executed 16 sale deeds with respect to the properties absolutely owned by the Archdiocese in violation of the provisions of the bylaw. In pursuance of their criminal conspiracy a sale of the property with an extend of 1.92 ares was effected through the sale deed bearing No.2735 /16 dated 5/09/2016 by the respondents in violation of the mandatory provisions of the bylaw of the Archdiocese. As per the said deed the total sale consideration was Rs 20,99,000/- and it is mentioned in the sale deed that out of the total consideration an amount of Rs 15,70,000/- was received as per cheque No.872931 with the account of the South Indian Bank dated 31/08/2016 and the remaining sale consideration of Rs 5,29,000 /- was already received by cash. But the said amount of Rs 5,29,000/- was not credited with the any of the accounts of the Archdiocese. When this gross misappropriation committed by the respondents came to the notice of the authorities of the Archdiocese the 1<sup>st</sup> respondent was forced to constitute an

enquiry committee. The said committee after due enquiry found out a series of irregularities committed by the respondents in the sale of the properties owned by the Archdiocese, but no one dared to take any action against the respondents who are highly influential. In the aforesaid sale deed false statement relating to the receipt of sale consideration has been recited dishonestly and fraudulently. The said sale effected by the respondents is not only in violation of the terms and conditions of the bylaw but also without receiving the entire consideration. The act of the respondents has resulted in huge unlawful gain to the respondents and corresponding loss to the Archdiocese. Hence the complaint.

4. After recording the sworn statement of the complainant my learned predecessor has decided to proceed under Sec. 202 of the Code of Criminal Procedure since the respondents are persons residing beyond the jurisdiction of this court. One more witness was summoned and examined. The complainant produced some documents along with the complaint and a few documents were summoned and produced thereafter.

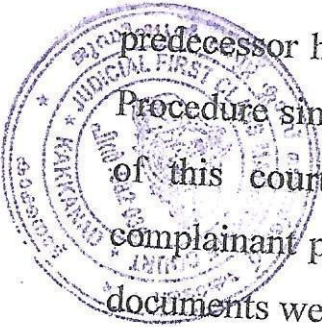
5. The following points arise for consideration :-

- a) Where there exists any grounds for proceeding further with the complaint or not ?
- b) Order?

6. Heard the learned counsel appearing for the complainant records.

**7. Point No.1:**

The specific case of the complainant is that the 1<sup>st</sup> respondent who is the administrator and custodian of the entire movable and immovable assets of the Archdiocese of Ernakulam-Angamaly conspired with the 2<sup>nd</sup> respondent and assigned the properties to third parties in violation of the provisions of



the bylaw without obtaining permission from the various committees as mandated by the provisions of the codified bylaw of the Archdiocese. They misappropriated the sale consideration resulting unlawful gain to him.

8. It is evident from the bylaw of the Archdiocese that the 1<sup>st</sup> respondent, the Major Arch Bishop is in administrative control of various immovable properties owned by the Archdiocese including the property sold out by virtue of sale deed No.2735/16. Even though it is alleged in the complaint that sixteen sale deeds were executed by the 2<sup>nd</sup> respondent on the strength of the power of Attorney given to him by the 1<sup>st</sup> respondent, the complainant had produced copies of only one sale deed in the instant case bearing No.2735/16. The remaining deeds alleged to be executed by the 2<sup>nd</sup> respondent alienating the properties of Archdiocese cannot be considered as the subject matter of the present complaint in the absence of any evidence with respect to alienation or sale of any property scheduled in those alleged documents.

9. Clause 1 of the bylaw of the Archdiocese of Ernakulam-Angamaly says that the Supreme Head of the Archdiocese shall be called as Metropolitan. By virtue of a communication dated 16/12/1992 Pop John Paul II had ordained the Syro Malabar Church as a Major Archi-Episcopal Church, then Ernakulam Archdiocese was constituted as the "Local Sea" of the said Church and the Ernakulam Archdiocese was further renamed as Ernakulam-Angamaly Archdiocese.

10. Clause 110 of the bylaw says that the Archdiocese of Ernakulam-Angamaly shall be a juristic person capable of owning property in its own name. Clause 85 says that Metropolitan will be the Supreme administrator of the properties of the Archdiocese and shall be the authorised representative of the same. It has further come out that the 1<sup>st</sup> respondent being the Arch Bishop was authorised to sell out the properties of the Archdiocese. From these

FORM No. 3A

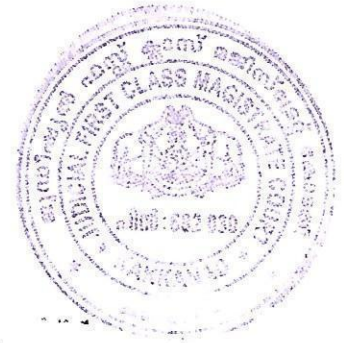
BOND AND BAIL BOND AFTER ARREST  
UNDER A WARRANT

(Section 81, Criminal Procedure Code)

Judicial First Class Magistrate

IN THE COURT OF THE Kakkanad MAGISTRATE OF.....

CALENDAR CASE No. CC 632/19 OF 20.....



R<sup>r</sup> Joshy Puthuva 44/22, Vicar being brought  
before the JFCM Magistrate of Kakkanad under a warrant  
issued to compel my appearance, to answer to the charge of s/s 406,  
423 o/w 34 IPC do hereby bind myself to attend in the Court of  
..... at ..... on the ..... day of ..... 20.....  
at ..... a.m./p.m. or any other Court to which the case may be  
transferred to answer to the said charge and to continue, so to attend  
until otherwise directed by the Court; and, in case of my making  
default herein, I bind myself to forfeit to the Government of Kerala  
the sum of ₹ Rs. 25,000/- (Twenty Five Thousand only)



Dated this 1<sup>st</sup> day of May 2019

Executed before me.

\* St Johns Church,  
University Centre, CUSAT  
Kochi - 682032

(Signature)

Magistrate.

Judicial First Class Magistrate  
Kakkanad P.T.O.



I/We do hereby declare myself surety/ourselves sureties for  
 above-named of..... Jashy Puthuva .....that he shall  
 attend before..... G.P.M., Kakkanaid ..... of.....  
 at..... at..... a.m./p.m. on the..... day of.....  
 .....20....., or any other Court to which the case may be  
 transferred to answer to the charge on which he has been arrested  
 and shall continue so to attend until otherwise directed by the Court;  
 and, in case of his making default therein I/We hereby bind myself/  
 ourselves, jointly and severally to forfeit to the Government of Kerala  
 the sum of ₹ ..... Rs. 25,000/- (Twenty five thousand only) .....

Dated this..... 11<sup>th</sup> ..... day of..... May ..... 2022

S<sub>1</sub> - Tom E Abraham  
S/o Abraham Elamathayil  
Elamathayil, Puzhinna  
Kuttikkattukavu, vic  
Udugamansal  
 (Signature)

S<sub>2</sub> - Anil Kumar Executed before me  
S/o Chandrasekharan Nair  
Pattayath (H), Okkal P.O  
Chelamattom (Part)  
 (Signature)

(Signature)

Magistrate.

Judicial First Class Magistrate  
Kakkanaid

Note. - When the case is transferred to another court, the court to which the case  
 is transferred shall inform the accused and the sureties of such transfer.

TRUE PHOTO COPY  
 BY ORDER

[Signature]  
 JUNIOR SUPERVISOR

**IN THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD**

Present : Smt. Rajani Mohan C, Judicial Magistrate of I Class

Dated this the 11<sup>th</sup> day of May, 2022

Crl.MP : 1002/22 in CC 632/ 2019

Petitioner / : Rev. Fr. Joshy Puthuva, Age 44, Pro. Vikar  
2<sup>nd</sup> Accused St. Johns Church, University Centre, CUSAT,  
Kochi – 682 032.

(By Adv. Jijo Paul Kallookkaran)

Respondent / : Joshy Varghese, Age 56  
Complainant S/o. Vareeth, Thelakkadan House,  
Malamuri Bhagom, Pulluvazhy Kara,  
Rayamangalam village

(By Adv. Sri.V. Rajendran)

Proceedings : s. 437 of Criminal Procedure Code

Order : Allowed

**ORDER**

Advanced. Accused No.2 appeared before court and filed bail application with sureties. Heard the counsel of A2. Perused the application and records. Bail granted. Accused No.2 is permitted to execute a bond of Rs.25,000/- with two solvent sureties each for like sum.

Dated this the 11<sup>th</sup> day of May, 2022

Judicial First Class Magistrate, Kakkanad

TRUE PHOTO COPY  
BY ORDER

JUDICIAL SUPERINTENDENT



OF THE JUDICIAL FIRST CLASS  
MAGISTRATE KAICKANIAD

1. INDEX APPLICATION NO. CA 124/23  
2. YEAR AND NO. OF CASE CC 632/19  
3. NAME OF APPLICANT Adv. Jimmy P. Anthony  
4. YEAR AND DATE OF APPLICATION 3/2/23  
5. DATE OF CALLING FOR  
STAMP PAPERS 7/2/23  
6. DATE OF PRODUCTION OF  
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AMINER JR. SUPERVISOR 