

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**

Friday, the 12th day of April 2024 / 23rd Chaithra, 1946

CRL.M.APPL.NO.1/2024 IN CRL.MC NO. 3605 OF 2024

SC 4/2023 OF SPE/CBI - III, ERNAKULAM

APPLICANT/PETITIONER:

1. M/S KERALA CHAMBER OF COMMERCE AND INDUSTRY, CHAMBER CORNER, SHANMUGAM ROAD, MARINE DRIVE, KOCHIN, ERNAKULAM, KERALA, REPRESENTED BY JOSSY STEEPHEN KATTUR, RESOLUTION PROFESSIONAL, PIN - 682031
2. JOSSY STEEPHEN KATTUR, RESOLUTION PROFESSIONAL OF KERALA, CHAMBER OF COMMERCE AND INDUSTRIES, SKYLINE IMPERIAL GARDENS, NEXT TO IMA HOUSE, KALOOR, KOCHI, PIN - 682025

RESPONDENTS/RESPONDENTS:

1. DIRECTORATE OF ENFORCEMENT, REPRESENTED BY DEPUTY DIRECTOR OF ENFORCEMENT, MINISTRY OF FINANCE, COCHIN ZONAL OFFICE, KANOOS CASTLE, MULLASSERY CANAL ROAD WEST, COCHIN, PIN - 682011
2. ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT, COCHIN ZONAL OFFICE, KANOOS CASTLE, MULLASSERY CANAL ROAD WEST, COCHIN, PIN - 682011

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to stay all further proceedings against the petitioners (who is arrayed as Accused No. 3) in SC No. 4/2023 (PMLA) on the file of the Hon'ble Special Court SPE/CBI-I/PMLA/Addl. District Court III Ernakulam, pending disposal of the above Criminal Miscellaneous Case and to pass an ad interim order to that effect to avail till the disposal of this application

This Application coming on for orders upon perusing the application and upon hearing the arguments of SRI. AKHIL SURESH, Advocate for the petitioners, the court passed the following:

BECHU KURIAN THOMAS, J.

Crl.M.A.No. 1 of 2024

in

Crl.M.C.No. 3605 of 2024

Dated this the 12th day of April, 2024

ORDER

Notice before admission.

2. Jaishankar V. Nair takes notice for respondents No. 1 and 2.

Since the 2nd petitioner is only a Resolution Professional appointed by the National Company Law Tribunal, Kochi, for the 1st petitioner, *prima facie* I am satisfied that 2nd petitioner cannot be hauled up in a criminal case, that too in a representative capacity as representing the 1st petitioner.

3. Therefore, it is directed that the 2nd petitioner shall not be required to appear in person before the Special Court for PMLA cases in S.C.No. 4/ 2023 before the SPE/CBI-III, Ernakulam until further orders. It is clarified that this order shall not stand in the way of the trial court proceeding against the 1st petitioner and other accused.

**BECHU KURIAN THOMAS
JUDGE**

AJM/12/4/24