

News

Kerala High Court tells district judges to be on guard against duplicate appeals leading to conflicting judgments



An accused in a 2009 robbery case who had lost his first appeal secured an acquittal later by filing a second appeal before the same court (sessions court) through another lawyer. Kerala High Court

The Kerala High Court recently directed district judges to take steps to ensure that there are no duplicate filings of appeals, revision petitions, etc., in the same case Justice PV Kunhikrishnan made the observation after coming across a case where a man accused of robbery secured an acquittal from a sessions court, by suppressing that his earlier appeal in the same matter had already been dismissed.

The accused, who had lost his first appeal, secured an acquittal later by filing a second

appeal before the same court (sessions court) through another lawyer.

On August 1, the High Court set aside this acquittal and imposed a cost of ₹1 lakh on the accused.

"This incident serves as a lesson to all the stakeholders, and all should work together to protect the criminal justice delivery system," the Court further said.

Justice PV Kunhikrishnan

The High Court proceeded to issue strict directions to the district judiciary to prevent such procedural lapses in the future.

The Court observed that avoiding multiplicity of appeals is the shared duty of courts, lawyers, litigants, and court registries to prevent conflicting judgments.

Justice Kunhikrishnan added that the police must also inform prosecutors of prior cases so they can bring them to the court's attention.

"Strict directions should be given by the Principal District Judge to his office to number all cases only after manually verifying that there are no earlier proceedings on the same issue. The registry will forward a copy of this judgment to the Home Secretary, Government of Kerala and the State Police Chief," the Court ordered.

The matter arose from a crime registered at the Kayamkulam Police Station, in which three out of four men accused were convicted by a trial court for various offences under the Indian Penal Code (IPC)

The appeals of the three convicted men were dismissed by a sessions court in 2013.

However, in 2015, the third accused, Krishnan @ Masanan, who was convicted for the offences under Sections 392 (robbery) and 457 (lurking house-trespass) of the IPC, filed a second appeal before the same appellate court (sessions court) through another lawyer, without disclosing the earlier dismissal of his appeal.

The appeal, filed after a delay of 1,223 days, was eventually led an additional sessions court to acquit him.

This anomaly was flagged by the district and sessions judge of Alappuzha to the High Court. The High Court proceeded to initiate suo motu revision proceedings to examine the correctness of the acquittal verdict.

On June 9, 2025, the High Court directed the Registrar (Vigilance) to conduct an inquiry.

The Registrar reported that no automated system existed to flag earlier appeals at the district court, and that a manual inspection of physical registers had to be taken to identify prior appeals in cases.

The Registrar added that a unified case type system would be implemented from January 1, 2026, enabling automatic detection of such matters. The Registrar also confirmed that the

claim by the accused man's lawyer that he was unaware of the prior appeal. The Court observed that until the implementation of the automated system, all district courts in the State must manually verify records to prevent the multiplicity of proceedings and conflicting judgements.

It also accepted the lawyer's statement that he was unaware that he had been engaged to file a duplicate appeal. "It should be a lesson to all, and it is to protect our system. Moreover, the second judgment in Crl. Appeal No.18/2015 is to be set aside, invoking the inherent jurisdiction of this Court," the High Court added. The Court, thus, set aside the 2016 acquittal of the accused man and ordered him to pay ₹1 lakh to the Kerala State Legal Services Authority within one month. It also directed the Registrar (District Judiciary) to circulate the judgment to all Principal District Judges.

Copies of the judgment were also ordered to be sent to the Home Secretary of the State and the State Police Chief to ensure that they too take steps to prevent