

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

Tuesday, the 17th day of June 2025 / 27th Jyaishta, 1947

CRL.MC NO. 3414 OF 2025

CRIME NO.485/2024 OF PERAMANGALAM POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

DR.MOHAMED RIZWAN T, AGED 36 YEARS,S/O ABDUL RASHEED T,48/1834L,
PUTHANPURA ROAD, ELAMAKKARA P.O, ERNAKULAM, PIN - 682026

RESPONDENT(S)/STATE:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
2. ASSISTANT COMMISSIONER OF POLICE, THRISSUR, OFFICE OF THE ASSISTANT COMMISSIONER OF POLICE, VELIYANNUR, THRISSUR, KERALA , PIN - 680001

This Criminal Misc. case coming on for orders, upon persuing the petition and upon hearing the arguments of M/S. V.JOHN SEBASTIAN RALPH, VISHNU CHANDRAN, RALPH RETI JOHN, GIRIDHAR KRISHNA KUMAR, GEETHU T.A., MARY GREESHMA, LIZ JOHNY & KRISHNAPRIYA SREEKUMAR, Advocates for the petitioner and of PUBLIC PROSECUTOR and of PUBLIC PROSECUTOR for the respondents, the court passed the following:



V.G.ARUN, J.

Crl.M.C. Nos. 4729 and 3414 of 2025

Dated this the 17th day of June, 2025

ORDER

The petitioners are facing prosecution for the offence under Section 304A of IPC based on the allegation that patients under the treatment of the petitioners had died due to their negligence. It is submitted by the counsel for the petitioners that their clients were neither heard by the Expert Committee, nor a copy of the report made available to them.

2. Learned ADGP submits that there are no guidelines in place with regard to the manner in which the Expert Committee is to function, since the Committee was constituted based on the directions of the Hon'ble Supreme Court in **Jacob Mathew Vs. State of Punjab** [(2005) 6 SCC 1].

3. In the considered opinion of this Court, absence of such guidelines will adversely affect the right to fair trial of the accused like the petitioners herein, since it is fundamental for the Committee to consider the explanation of the Doctor before submitting the report and serve a copy of the report on the Doctor concerned,

thereby providing an opportunity of filing appeal against the Expert Committee report. As the matter requires a detailed deliberation, Adv. Akash S is appointed as *Amicus Curiae* to assist the Court and the learned counsel for the petitioners, as well as the learned ADGP, are requested to make their suggestions as to the manner in which the guidelines are to be formulated.

Post on 14.07.2025. Interim order in Crl.M.C. No. 3414 of 2025 is extended till then.

Crl.M.A.No.1/2025 in Crl.M.C.No.4729/2025

There shall be an interim stay of further proceedings in C.C.No.2316 of 2017 on the files of the Judicial Magistrate of First Class, Adoor, till the next posting date.

Sd/-

V.G.ARUN, JUDGE

SPV