

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WA.No. 2130 of 2015 () IN WP(C).23798/2015

AGAINST THE ORDER IN WP(C) 23798/2015 DATED 15-09-2015

APPELLANT(S)/4TH RESPONDENT :-

MATHEWKUTTY @ MATHEW, AGED 60 YEARS
S/O.MATHEW, KOLLANNUR HOUSE, POOMARAM STOP
PORKULAM P.O., THRISSUR DISTRICT.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S)/PETITIONER & RESPONDENTS 1 TO 3 :-

1. JOHN P.V, AGED 72 YEARS
S/O. VARGHESE, PARAVALAPPIL HOUSE, POOMARAM STOP
PORKKULAM P.O., THRISSUR-680 542.
2. GEORGE, AGED 63 YEARS
S/O. KURIAPPAN, KOZHISSERY HOUSE, PORKULAM P.O.
THRISSUR-680 542.
3. THE SUPERINTENDENT OF POLICE (RURAL)
THRISSUR, PIN - 680 001.
4. THE CIRCLE INSPECTOR OF POLICE
KUNNAMKULAM POLICE STATION, KUNNAMKULAM P.O.
THRISSUR DISTRICT, PIN - 680 503.
5. THE SUB INSPECTOR OF POLICE
KUNNAMKULAM POLICE STATION, KUNNAMKULAM P.O.
THRISSUR DISTRICT, PIN - 680 503.

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
BY SRI.P.RAMACHANDRAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-
09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.2130 of 2015

Dated this the 29th day of September 2015

J U D G M E N T

Shaffique, J.

The appellant is the 4th respondent in W.P.(C) No.23798 of 2015. He challenges the interim order dated 15.9.2015, by which, the learned Single Judge had issued a direction to the Station House Officer, Kunnamkulam to produce the 4th respondent before the jurisdictional Magistrate for passing reception order under the Mental Health Act, in order to transfer him to the Mental Health Centre, Thrissur.

2. The writ petition was filed by respondents 1 and 2 herein for a direction to the police officers to take into custody the 4th respondent for the purpose of treatment for his mental illness. The petitioners contended that the 4th respondent was mentally ill and despite several representations being made to the police, no action was taken by the police under the Mental Health Act and therefore, the petitioners had approached this Court.

3. Learned counsel for the appellant submits that the appellant is not mentally ill and if at all he is required to be

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present in the mental hospital, he himself is ready and willing to get admission and there is no necessity for him being taken by the police before the Magistrate concerned.

4. On the other hand, the learned counsel appearing on behalf of respondents 1 and 2 submits that the learned Single Judge had occasion to consider the matter in detail and weekly postings had been made in order to verify whether the appellant is mentally ill or not. Reports had been obtained from the District Medical Officer, who opined that further evaluation by a clinical psychologist is required to verify whether the appellant is suffering from any mental illness. It is in the said circumstance that a direction had been issued to the police to produce the 4th respondent (appellant herein) before the Magistrate for passing further orders in the matter.

5. Having heard the learned counsel on either side and also the circumstances which had been pointed out by the learned Single Judge in the matter, we do not think that any modification is required to the aforesaid order. Since the power is vested with the Magistrate to pass a reception order, there is no illegality in the direction issued by the learned Single Judge.

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Under such circumstances, we do not think it necessary to interfere with the order of the learned Single Judge. Accordingly, the writ appeal is dismissed. However, the appellant is free to approach the learned Single Judge for any modification in the impugned order, if necessary.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt/30.9.2015.