

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(Cr1.).No. 309 of 2014 (S)

PETITIONER(S) :

BINDU.M

W/O. RAJAN K.P., THADATHIL PARAMBIL HOUSE
NARUKARA P.O., MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.T.PRASAD

RESPONDENT(S) :

1. THE STATE POLICE CHIEF
VBAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.
2. THE DISTRICT POLICE CHIEF,
MALAPPURAM, MALAPPURAM P.O, MALAPPURAM - 676 505.
3. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MANJERI P.O
MALAPPURAM 676 121.

R1 -R 3 BY ADV. SRI. TOM JOSE PADINJAREKKARA
ADDL.DIRECTOR GENERAL OF PROSECUTION

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(Crl.).No. 309 of 2014 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE BIRTH CERTIFICATE OF SEETHU K.P. ISSUED
BY THE REGISTRAR OF BIRTH AND DEATH, PERINTHALMANNA
MUNICIPALITY.

EXHIBIT-P2-TRUE COPY OF THE BIRTH CERTIFICATE OF MASTER ANANTHU
ISSUED BY THE REGISTRAR OF BIRTH AND DEATH, MANJERI
MUNICIPALITY.

EXHIBIT-P3-TRUE COPY OF THE F.I.R IN CRIME NO. 1245/2013 OF MANJERI
POLICE STATION.

RESPONDENT(S) ' EXHIBITS

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NIL.

TRUE COPY

PA TO JUDGE.

acd

V.K. MOHANAN & P.D. RAJAN, JJ.

W.P.(Crl)No. 309 of 2014

Dated this the 6th day of March, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner is the wife of one Mr. Rajan K.P., who is missing from 25.11.2013. Therefore, the above writ petition was filed with a prayer to issue a writ of Habeas Corpus directing respondents 1 to 3 to conduct a confidence investigation upon the complaint and to produce the petitioner's husband Rajan K.P., before this Court from the illegal custody and to set him at liberty to go along with the petitioner. Pursuant to the complaint filed by one Sujith, brother of missing Rajan, Crime No.1245/2013 was registered in the Majeri Police Station for the offence under sections 57(1)A of the Kerala Police Act. Though the

investigation has been undertaken by the Police, the detenu could not be traced out so far. As directed by this Court, statement dated 7.8.2014, 1.9.2014, 11.11.2014 and finally on 25.11.2014 are filed showing various steps taken by the Police and the investigation conducted by the Special Team to trace out the detenu. It is revealed from those statements that the husband of the petitioner is a psychiatric patient and therefore the Police could not trace out him.

2. In the light of the statement filed by the Inspector General of Police, Thrissur Range, the learned counsel for the petitioner submitted that the above writ petition may be closed directing the Police to conduct further investigation and to produce the detenu before the competent jurisdictional Court on tracing out him. The above submission is recorded.

Accordingly, this writ petition is closed, especially when no order in terms of the prayer in this writ petition is warranted, since the husband of the petitioner is a Psychiatric patient. However, we observe that the Police will make all efforts to trace out the detenu and will produce him before the jurisdictional Magistrate as and when he is traced out.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

