

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

W.P.(Crl.).No. 18 of 2015 (S)

PETITIONER(S):

**RATHNA BAI, AGED 58 YEARS,
W/O. LATE V.SADANANDA PAI, 'VAIKUNTAM', 8/693(A),
S.R.SIVARAMAN ROAD, KOCHI-682 002.**

BY ADV. SRI.G.KRISHNAKUMAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REP.BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**
- 3. COMMISSIONER OF POLICE,
OFFICE OF THE CITY POLICE COMMISSIONER,
ERNAKULAM-682 035.**
- 4. ASSISTANT COMMISSIONER OF POLICE,
CRIME DETACHMENT,
(HEAD - DISTRICT MISSING PERSON TRACING UNIT)
O/o THE POLICE COMMISSIONER, ERNAKULAM-682 035.**
- 5. S.I. OF POLICE ,
MATTANCHERY POLICE STATION, KOCHI-682 002.**
- 6. M.M.GEORGE, AGED 50 YEARS,
S/O. (FATHER'S NAME NOT KNOWN TO THE PETITIONER)
MOOLANKUZHI VEEDU, CHERANALLORE-682 034.**

R1-R5 BY GOVERNMENT PLEADER SMT.KOCHUMOL KODUVATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(Crl.).No. 18 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE FIR IN CRIME NO.0639/2014 OF
MATTANCHERRY POLICE STATION.

EXT.P2 : TRUE COPY OF THE REPRESENTATIONS DTD.23.6.2014,
PREFERRED TO THE 1ST RESPONDENT.

EXT.P3 : TRUE COPY OF THE STATEMENT FILED BY
RESPONDENT IN W.P.(C) NO.16732/2014.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

W.P.(CrI.) No.18 OF 2015

DATED THIS THE 21st DAY OF MAY, 2015.

J U D G M E N T

C.K. Abdul Rehim, J.

The petitioner, who is a widow aged 58 years, is seeking a writ of Habeas Corpus to produce body of her daughter Asha. S. Pai @ Asha. M. Naik before this court and to set her at liberty.

2. Allegation is to the effect that, the petitioner's daughter is missing since 17.06.2014 onwards, with respect to which Ext.P1 case was registered as Crime No.639/2014 of Mattancherry Police Station, under Section 57 of the Kerala Police Act. It is stated that the petitioner had filed W.P.(C). No.16732/2014 against the police authorities seeking direction to locate her missing daughter and to produce her before the magistrate court having jurisdiction. It is further mentioned that, the 4th respondent had filed a statement in the said writ petition to the effect that the 6th respondent herein is the last person who was having contact with the missing lady.

Therefore, it is contended that the petitioner had a strong apprehension that her missing daughter is under illegal detention of the 6th respondent.

3. In a statement filed by the 4th respondent dated 08.04.2015 it is mentioned that, the investigation of Ext.P1 case is being pursued vigorously and the police team had questioned a large number of witnesses. It is further mentioned that the 6th respondent who is a suspect behind the missing of daughter of the petitioner, is an accused in Crime No.1204/2014 of Mattancherry Police Station, and he was arrested on 12.03.2014. He was produced before the court and he is in judicial custody now. It is mentioned that on interrogation of the 6th respondent he had admitted that, he was having contact with the missing woman on 16.06.2014 and on 17.06.2014 over telephone and enticed her to his house at Cheranalloor. But it is stated that on interrogation of the 6th respondent nothing could be revealed about whereabouts of the missing woman after 17.06.2014.

4. We take note of the fact that the 6th respondent is now in judicial custody. The investigation conducted by the 4th respondent had revealed that the missing woman is not in any

illegal confinement of the 6th respondent, as alleged.

Therefore, we are of the considered opinion that this writ petition which is filed seeking a writ of Habeas Corpus cannot be allowed. Since we are convinced that the alleged detainee, who is the missing woman, is not in illegal confinement of the 6th respondent as alleged, the writ petition is hereby dismissed.

It is however made clear that, the petitioner will be at liberty to pursue her remedies in W.P.(C).No.16732/2014 with respect to the request for proper investigation of the case registered in relation to missing of her daughter.

Sd/-
C.K. ABDUL REHIM, JUDGE.

Sd/-
K. RAMAKRISHNAN, JUDGE.

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True copy]

P.A to Judge