

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(Cr1.).No. 27 of 2015 (S)

PETITIONER(S) :

RAJESH.N.K. AGED 40 YEARS
S/O. LATE NANDAKUMAR, KANAKALAYAM, A.N.PURAM
ALAPPUZHA P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENT(S) :

1. THE STATE POLICE CHIEF
POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN:695014.
2. THE DISTRICT POLICE CHIEF
ALAPPUZHA P.O., ALAPPUZHA DISTRICT, PIN:688 001.
3. THE SUB INSPECTOR OF POLICE
ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA P.O.
ALAPPUZHA DISTRICT, PIN-688001.
4. M.A.SAHIR, AGED 35 YEARS
S/O ALI MOHAMMED, MADATHIPARAMBIL, JARAPADI
MANNAM P.O, NORTH PARAVUR, PARAVOOR VILLAGE
PARAVUR TALUK, ERNAKULAM DISTRICT, PIN:683 520.
5. N.GOVINDA SHENOY
S/O LATE V.NARAYANA SHENOY, KANNANPARAMBIL HOUSE
S.V.D. WEST, REPUBLIC ROAD, NORTH PARAVUR
ERNAKULAM DISTRICT, PIN:683 513.

R4 BY ADV. SRI.A.ANILKUMAR (A - 959)
R1-3 BY ADV.SRI.TOM JOSE PADINJAREKKARA,
ADDL.DIRECTOR GENERAL OF PROSECUTION
R5 BY ADV. SRI.G.UNNIKRISHNAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 27 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF FIRST INFORMATION REPORT IN CRIME NO.30 OF
2015 OF ALAPPUZHA SOUTH POLICE STATION.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(Crl.)No.27 of 2015

Dated this the 22nd day of January, 2015.

J U D G M E N T

Mohanana, J.

The petitioner herein alleging that his cousin Girish G.Prabhu @ Gimi is under the illegal custody of respondents 4 and 5 preferred this writ petition under Article 226 of the Constitution of India praying inter alia to issue a writ of habeas corpus directing respondents to produce the person cousin of the petitioner, Girish G.Prabhu @ Gimi, s/o.(late) Gopalakrishna Prabhu, Lakshmi Mandiram, Vazhappally west, Kottayam district, before this Court and set him at his liberty forthwith.

2. When the above writ petition came up for admission, and while admitting and issuing notice to respondents 4 and 5, they were directed to produce the detainee before this Court on 20.1.2015 and respondents 1 to 3 were directed to see that the said direction has

fully complied with by respondents 4 and 5. Thus when the above case was taken on 20.1.2015, Sri.Tom Jose Padinjarekkara, the learned Additional Director General of Prosecution submitted that the said Girish was taken into custody by the CBCID, Thiruppathi, and the enquiry discloses that he was removed in an Innova vehicle on 9.1.2015. On the basis of the above submission, we directed the learned ADGP to file a statement and for filing the same, the case was adjourned and posted today.

3. Thus when the case taken up today, the learned ADGP submitted that the so called detainee is now available with the police and he is produced before this Court. It is also submitted by the learned ADGP that, Crime No.30/15 was registered in the Alappuzha South Police Station for the offence punishable under sections 323, 361 r/w 34 of IPC on the basis of the information furnished by the petitioner herein. However, before the registration of the crime, the so called detainee was

taken into custody by the CBCID Thiruppathi. It is also submitted by the learned ADGP that he was taken into custody connected with Crime No.6135/C/31/CID/2014 of Thiruppathi for questioning and thereafter he was released on 19.1.2015. Thereafter, the detenue appeared before the 3rd respondent, who in turn produced the said person before the Judicial First Class Magistrate court-I, Alappuzha, and after recording the statement, he was set free with a direction to produce the detenue before this Court. Thus, the so called detenue produced before us.

4. In view of the facts and circumstances referred above, we are of the view that, no further enquiry is warranted, since the so called detenue, namely Girish G.Prabhu @ Gimi, is not under the illegal custody of anybody and accordingly this writ petition can be closed. It is made clear that, this judgment will not stand in the way of the petitioner, who is the de facto complainant in Crime No.30/15 to take appropriate

legal steps, if any.

Accordingly, this writ petition is closed.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge