

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(Crl.).No. 122 of 2015 (S)

PETITIONER(S):

JACOB K.M., AGED 44 YEARS
S/O.MATHAI, KARAYIDATH HOUSE,
THABORE P.O.
MOOKANNUR, ANGAMALI.

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH

RESPONDENT(S):

1. THE DEPUTY SUPERINTENDENT OF POLICE
PERUMBAVOOR, ERNAKULAM DISTRICT 683 542
2. THE SUB INSPECTOR OF POLICE
ANGAMALI POLICE STATION, ANGAMALI 683572

R1,R2 BY ADV. DIRECTOR GENERAL OF PROSECUTION SRI.ASAF ALI
R1,R2 BY ADV. GOVERNMENT PLEADER SMT.KOCHUMOL KADAVATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

W.P.(Crl.) No.122 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner is the elder brother of Mr.Eldhose.K.M. The allegation in the Writ Petition is that Eldhose was taken into custody by the Squad functioning under the first respondent on 18.3.2015 alleging that he was involved in a criminal case. It is alleged that the first respondent did not produce the detenu before the Magistrate.

2. When the Writ Petition came up on 23rd March, 2015, a Division Bench of this Court passed the following order :

“Admit. Learned Public Prosecutor takes notice for the

respondents.

Learned Public Prosecutor submits that the detenu was arrested at 4 PM on 21.3.2015 in connection with Crime No.271 of 2015 of Kalady Police Station and produced before the Judicial First Class Magistrate Court, Kalady on 22.3.2015 at 1 PM and that he was also remanded to custody for 14 days. The learned counsel appearing for the petitioner however disputed the said statement and submitted that the petitioner's brother was taken into custody on 18.3.2015 by a squad that functions under the first respondent on the allegation that he was involved in a criminal case and that notwithstanding the petitioner's earnest efforts the whereabouts of his brother could not be traced out and that was the reason which constrained him to file the writ petition in this court. He submitted that though the petitioner's brother was taken into custody on 18.3.2015, the arrest was recorded only on 21.3.2015. The learned counsel appearing for the petitioner submitted that the respondents may be directed to file a statement setting out the names of the police personnel who were part of the team which arrested the petitioner's brother.

After hearing learned counsel on both sides, we are of the opinion that the Deputy Superintendent of Police, Perumbavoor as also the Sub Inspector of Police, Kalady should file separate statements in answer to the averments in the writ petition with a week from today.

Post on 31.3.2015.”

3. Pursuant to the order passed by this Court, a statement is filed by the Deputy Superintendent of Police, Perumbavoor, which is taken on record.

4. The learned counsel for the petitioner submitted that the Writ Petition has become infructuous.

The Writ Petition is accordingly dismissed as infructuous.

K.T.SANKARAN
JUDGE

BABU MATHEW P.JOSEPH
JUDGE