

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 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(Crl.).No. 128 of 2015 (S)

PETITIONER(S):

GOPIDAS, AGED 59 YEARS,
S/O.SUKUMARAN, SARAMPIKKAL HOUSE, THUMPOLY WARD,
ALAPPUZHA.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT(S):

1. SENIN .S @ GIJI,
KARUKILVILA VEEDU, KUZHALAR, KATTAKKADA (P.O),
THIRUVANANTHAPURAM, PIN - 695 572.
2. SUNITHA .S @ REJI,
ASARIVILAKAM VEEDU, RAVI NAGAR, AMBALAMUKKU,
PEROORKKADA, THIRUVANANTHAPURAM PIN - 695 005.
3. SUB INSPECTOR OF POLICE,
ALAPPUZHA NORTH POLICE STATION, ALAPPUZHA,
PIN - 688 001.
4. THE DISTRICT POLICE CHIEF, ALAPPUZHA,
PIN - 688 001.
5. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM, PIN - 695 001.
6. STATE OF KERALA, REPRESENTED BY TE SECRETARY TO HOME,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.

R3- R6 BY DIRECTOR GENERAL OF PROSECUTION
GOVERNMENT PLEADER SMT. KOCHUMOL KODUVATH.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

WP(Crl.).No. 128 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE FIRST INFORMATION REPORT DATED 14.5.2013**
- P2- TRUE COPY OF THE NOTICE DATED NIL**
- P3- TRUE COPY OF THE REPRESENTATION DATED 10.12.2013**
- P4- TRUE COPY OF THE NOTICE DATED NIL**
- P5- TRUE COPY IN MALAYALA MANORAMA DAILY DATED 31.1.2014**
- P6- TRUE COPY OF THE REPRESENTATION DATED 20.3.2015**

RESPONDENT(S)' EXHIBITS

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- ANNEX.R5(a): COPY OF THE PROCEEDINGS DATED 7.4.2015.**
- ANNEX.R5(b): COPIES OF THE LOOK OUT NOTICES IN MALAYALAM, ENGLISH, HINDI AND TAMIL LANGUAGES DATED 12.4.2015.**
- ANNEX.R5(c): COPY OF THE LETTER RECEIVED FROM THE INSPECTOR OF POLICE, ALAPPUZHA NORTH ADDRESSED TO THE STATE POLICE CHIEF.**
- ANNEX.R5(d): COPY OF THE DETAILS OF THE UNIDENTIFIED DEAD BODY RECEIVED FROM NCRB AND SCRB.**
- ANNEX.R5(E): COPY OF THE MINUTES OF THE MEETING HELD ON 27.4.2015.**
- ANNEX.R5(F): COPY OF THE LOOKOUT NOTICES PUBLISHED IN DESHABHIMANI AND MALAYALA MANORAMA.**
- ANNEX.R5(G): COPY OF THE LOOKOUT NOTICES PUBLISHED IN GOA DAILY NAMED GOA MALAYALEE.**

//True Copy//

P.A. to Judge

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

W.P.(Crl.) No. 128 of 2015

Dated this the 28th day of May, 2015

JUDGMENT

K. Ramakrishnan, J

This writ petition has been filed by the petitioner, who is the father of the alleged detenue Miss.Lekshmi, seeking interference of this court, to get the body of the detenue produced and released her from the alleged illegal detention of respondents 1 and 2.

2. It is also alleged in the petition that the detenue was missing from 08.05.2013 and on the basis of the complaint given by the petitioner Ext.P1 crime was registered. In spite of that, no proper investigation has been conducted to trace out the detenue. So the petitioner filed this petition, seeking the following reliefs:

- i) Issue writ of Habeas Corpus in the form of Rule nisi commanding the respondents 1 and 2 to produce the body of petitioner's daughter Lekshmi, who has been illegally detained by them forthwith or in the alternative, issue a direction to the respondents 3 to 5 to search and find out the body of petitioner's daughter

Lekshmi and produce her before this Hon'ble Court and to set her at liberty.

ii) Issue any other writ, order or direction that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. This court by several orders directed the investigating agency to intensify the investigation, and ultimately by order dated 17.04.2015, directed the 5th respondent to file a statement setting out the steps taken so far by the police to trace out the detainee. On that basis a detailed statement has been filed by the 5th respondent, in which it was stated that, a special investigation team has been constituted headed by the Inspector of Police, Alappuzha North, and the investigation was directed to be conducted under the supervision of the District Police Chief, Alappuzha as well and accordingly the investigation is in progress and it was revealed that the first respondent is missing and his whereabouts is also not known and 2nd respondent is not having the custody of the alleged detainee and they have issued look out notice regarding missing of these two persons including the detainee and the

investigation is being spread over to other States as well.

4. On going through the statement filed by the 5th respondent/the State Police Chief, we are convinced that the police department had taken serious note of this aspect and they are intensifying the investigation to trace out the alleged detainee Miss.Lekshmi and it cannot be said that the investigation is not going in the right direction, on the basis of the materials provided by them, regarding the steps taken as part of the investigation. Since it is a case of man missing and a crime has been registered and intensive investigation is being conducted by the police department regarding the same, we feel that, it is not a fit case to invoke the writ jurisdiction to issue writ of habeas corpus as required in the petition. We direct the investigating team to take all earnest efforts to intensify the investigation to trace out the alleged missing girl and produce her before the concerned court. The District Police Chief shall take personal interest to supervise the investigation and give necessary directions required for intensify the investigation

to trace out the alleged detainee and take all steps as instructed by the State Police Chief in the order dated 07.05.2015, produced as R5(e) along with the statement of the State Police Chief. If the petitioner is not satisfied with the investigation conducted in tracing out the missing detainee, he is at liberty to move the appropriate forum including this court, seeking further relief on that aspect.

With the above direction and observation, the writ petition is closed. However, we direct the investigating officer now in charge or District Police Chief, Alappuzha, to file a report regarding the progress of the investigation within two months from today before this court.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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