

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(CrL).No. 141 of 2015 (S)

PETITIONER :

MANJUSHA, AGED 40 YEARS
D/O.RATNAVALI, RESIDING AT SOORIYA,
MANNATHIMOOLA,
KADAKKAVOOR, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENTS :

1. DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL - 695 101
2. SUB INSPECTOR OF POLICE, CHIRAYINKEEZHU POLICE STATION,
CHIRAYINKEEZHU - 695 304
3. RAJU, AGED 50 YEARS, THULASEE MANDIRAM,
PURAVOOR, CHIRAYINKIL TALUK, THIRUVANANTHAPURAM - 695 304
4. VINOD KUMAR, AGED 48 YEARS
THULASEE MANDIRAM, PURAVOOR, CHIRAYINKIL TALUK,
THIRUVANANTHAPURAM - 695 304
5. PRATHAPAN, AGED 45 YEARS,
THULASEE MANDIRAM, PURAVOOR, CHIRAYINKIL TALUK,
THIRUVANANTHAPURAM - 695 304

R1-R2 BY ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.TOM JOSE
R BY GOVERNMENT PLEADER SRI.DANESH MATHEW MANJOORAN
R3&4 BY ADVS. SRI.P.PARAMESWARAN NAIR
SMT.SREELATHA PARAMESWARAN NAIR
SRI.P.SREEKUMAR
SRI.SOORAJ T.ELENJICKAL
SRI.T.S.SARATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 141 of 2015 (S)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT
DATED 2.12.2014

EXT.P2 : COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE THE 1ST
RESPONDENT DATED 23.1.2015

EXT.P3 : COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF 1ST RESPONDENT DATED
23.1.2015

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

**K.SURENDRA MOHAN
&
MARY JOSEPH, JJ.**

W.P.(Crl.).No.141 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

K.Surendra Mohan.

This writ petition is filed seeking the issue of a writ of Habeas Corpus to produce the body of the detenu, Sri.Ashok Kumar Lakshmi Mittal, who according to the petitioner, is her husband. By order dated 06.04.2015, this Court had ordered the issue of notice by special messenger to respondents 3 to 5. Respondents 1 and 2 were directed to see that, Lakshmi Mittal was produced before Court, today.

2. The learned Government Pleader on instructions submits that, there is no such person by name Ashok Kumar Lakshmi Mittal, as alleged in the writ petition. The person to whom reference is made as the Director of M/s.Vodafone Ltd. is not a resident of Kerala, but a native of some place in North India. According to the learned Government Pleader, the petitioner has filed this writ petition on some misconception of facts.

3. The petitioner is present in Court. We questioned the petitioner regarding the allegations made in the writ petition. The petitioner asserts that, she had fallen in love and got married to one Sunny who had changed his name to Ashok Kumar Lakshmi Mittal. She appears to believe that, he is one of the Directors of

M/s.Vodafone Ltd. Absolutely no material or evidence is available before us to justify a conclusion that, the petitioner has anything to do with the said person. On the contrary, the learned Government Pleader has made available to us a certificate of marriage issued by the Registrar of Marriages, Manamboor Grama Panchayat, dated 21.03.2001. The certificate shows that, the petitioner had got married to one Sri.S.Sanil on 15.03.2001 at the Mass Auditorium, Mananakku, Chirayinkeezhu Taluk. When questioned by us, the petitioner has admitted that she has a daughter by name Karthika, born out of the said marriage.

Since according to the learned Government Pleader, no detenu as alleged in the writ petition is under any illegal detention, we find no grounds to entertain this writ petition. The same is, therefore, dismissed.

Sd/-
K.SURENDRA MOHAN, JUDGE.

Sd/-
MARY JOSEPH, JUDGE.