

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(Crl.).No. 143 of 2015 (S)  
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PETITIONER:

ABDUL AZEEZ K. AGED 31 YEARS  
S/O.SAIDALAVI HAJI K.  
RESIDING AT KOOLIYODAN AYYAPPURATH, MANJERI  
MALAPPURAM DISTRICT-676 121.

BY ADVS.SRI.K.M.FIROZ  
SMT.M.SHAJNA  
SRI.S.KANNAN

RESPONDENTS:

1. THE MEDICAL OFFICER, GOVERNMENT MENTAL HEALTH CENTRE  
KUTHIRAVATTAM, KOZHIKODE 673 001
2. THE SUPERINTENDENT  
GOVERNMENT MENTAL HEALTH CENTRE, KUTHIRAVATTAM  
KOZHIKODE 673 001.
3. THE SUB INSPECTDOR OF POLICE  
MEDICAL COLLEGE POLICE STATION  
KOZHIKODE DISTRICT 673001
4. THE CIRCLE INSPECTOR OF POLICE  
MEDICAL COLLEGE POLICE STATION  
KOZHIKODE DISTRICT 673001.
5. THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
HOME DEPARTMENT, SECRETARIAT  
THIRUVANANTHAPURAM 695001.
6. THE OFFICER IN CHARGE  
MEDICAL COLLEGE HOSPITAL, KOZHIKODE.
7. ANSARI CHARITABLE TRUST  
MENTAL HEALTH CENTRE, ANSAR NAGAR  
PERUMPILAVU, KARIKKAD P.O. 680 519, THRISSUR DISTRICT  
KERALA.

R1 -R 6 BY ADDL.DIRECTOR GENERAL OF PROSECUTION  
MR. K.I. ABDUL RASHEED

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION  
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 143 of 2015 (S)

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APPENDIX

PETITIONER'S EXHIBITS

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EXT.P1 -A TRUE COPY OF THE LETTER ISSUED BY THE SECOND RESPONDENT TO THE 3RD RESPONDENT IN RESPECT OF IP NO.1609/09

EXT.P2 - A TRUE COPY OF THE FIR DATED 26.09.2010 IN CRIME NO.664/2010 OF MEDICAL COLLEGE POLICE STATION REGISTERED BY THE 3RD RESPONDENT.

EXT.P3 - A TRUE COPY OF THE FINAL REPORT DATED 20.01.2012 BEARING NO.23/2012 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM.

EXT.P4 - A TRUE COPY OF THE ORDER DATED 18.3.2013 IN CMP NO.1855 OF 2013 PASSED BY THE JUDICIAL MAGISTRATE COURT OF THE FIRST CLASS KUNNAMANGALAM.

EXT.P5 - A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS DATED 3.4.2014

RESPONDENT(S)' EXHIBITS

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NIL

ks.

True copy

P.S. (Hr.Gr.)To Judge

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

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**W.P.(Cri.) No. 143 of 2015**

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**Dated this the 9<sup>th</sup> day of April, 2015**

**JUDGMENT**

**K.T. Sankaran, J.**

The petitioner is the brother of one Rafeek, who is presently admitted as an Inmate No. 1518/2011 at the Government Mental Health Centre, Kuthiravattam, Kozhikode as per the orders issued by the Chief Judicial Magistrate, Manjeri. It is stated by the learned counsel for the petitioner that even on an earlier occasion Rafeek was admitted in the Mental Health Centre, Kozhikode and while so he was alleged to be involved in a murder case. Proceedings are going on before the Judicial Magistrate's Court, Kunnamangalam in C.P. No. 21 of 2012 for committal of

the case to the Sessions Court.

2. The contention put forward by the petitioner in the writ petition is that Rafeek is suffering from tuberculosis and other ailments and expert medical treatment at an outside hospital is necessary. The reliefs prayed for in the writ petition are the following:

"i) To issue interim order directing the respondents 1 to 5 to take immediate action and to release Inmate No.1518/2011 at the First respondent's Hospital, Sri Rafeek, S/o. Saidalavi Haji, aged 27 years, Cholakkal House, Pappinichira, Manjeri from illegal custody and to set him at liberty pending disposal of the Writ Petition.

ii) to direct respondents 1 to 5 to ensure immediate adequate and expert medical aid and treatment to Sri Rafeek, S/o. Saidalavi Haji, aged 27 years, Cholakkal House, Pappinichira, Manjeri either at 6<sup>th</sup> and 7<sup>th</sup> respondent Hospitals or any other Hospital at the cost of the petitioner or otherwise pending disposal of the Writ Petition."

We do not think that a Habeas Corpus writ petition can be filed for the reliefs sought for in this case, in the facts and circumstances of the case. The petitioner has to seek appropriate

remedies before the appropriate forum. Leaving open those remedies, the writ petition is dismissed.

Sd/-  
**K.T. SANKARAN**  
**JUDGE**

Sd/-  
**BABU MATHEW P. JOSEPH**  
**JUDGE**

**ks.**

True copy

P.S. (Hr.Gr.)To Judge

