

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(Crl.).No. 186 of 2015 (S)

PETITIONER(S):

RAJAMMA, AGED 70 YEARS,
W/O.LATE MADHAVAN, KOLATHIL PURAYIDATHIL HOUSE,
NEAR CHINNAKADA BUSBAY, KOLLAM.

BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENT(S):

1. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER),
THIRUVANANTHAPURAM-695 001.
2. THE CITY POLICE COMMISSIONER, KOLLAM - 691 001.
3. THE CIRCLE INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION - 691 001.
4. GOPAKUMAR,
SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION - 691 001
5. JOSE PRAKASH,
POLICE CONSTABLE, SPECIAL SQUAD, EAST POLICE STATION,
KOLLAM - 691 001.
6. ANAN BABU,
POLICE CONSTABLE, SPECIAL SQUAD, EAST POLICE STATION,
KOLLAM - 691 001.
7. SAJITH,
POLICE CONSTABLE, SPECIAL SQUAD, EAST POLICE STATION,
KOLLAM - 691 001.

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8. SUNIL,
POLICE CONSTABLE, SPECIAL SQUAD, EAST POLICE STATION,
KOLLAM - 691 001.

R1-R3 BY ADDL.DIRECTOR GENERAL OF PROSECUTION,
SRI. K.A. ABDUL RASHEED

GOVERNMENT PLEADER SRI.P.S. ABDUL KAREEM.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:3:

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHBITI P1 TRUE COPY OF THE COMPLAINT DATED 15/11/2014

**EXHBITI P2 TRUE COPY OF THE COMPLAINT GIVEN TO THE HON'BLE HOME
MINISTER DATED 5/1/2015.**

**EXHBITI P3 TRUE COPY OF THE PAPER REPORT PUBLISHED IN MALAYALA
MANORAMA DAILY DATED 11/1/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//True copy//

P.A. to Judge

SS

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

W.P.(Crl.) No.186 of 2015

Dated this the 20th day of May, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner, who is the mother of one Krishnakumar, aged 40 years is seeking a writ of Habeas Corpus commanding the respondents 1 to 3 to produce Sri.Krishnakumar, who is alleged to have been in illegal detention/ custody of respondents 4 to 8. The 3rd respondent had filed an affidavit in the above case stating that, Sri.Krishnakumar is a person who underwent four years imprisonment in a criminal case registered at Kollam East police station as Crime No.87/1992 and further 1^{1/2} years imprisonment in another crime registered in the said police station as Crime No.344/2010. In addition to the above, it is mentioned that, Sri.Krishnakumar is involved in several crime cases registered at Kollam East police station. Details of seven such cases are illustrated in the affidavit. It

is further stated that, on the basis of a complaint lodged by the petitioner with respect to missing of Sri.Krishnakumar, Crime No.280/2015 under Section 57 of the Kerala Police Act was registered at Kollam East police station and it is being investigated. It is specifically mentioned that, about 8 persons were already questioned in connection with the said case and memo has been prepared and sent to different police stations in order to trace out the missing person. It is specifically stated in the affidavit that, Sri.Krishnakumar has not been taken into police custody and that an impartial enquiry is being conducted to trace out the said person, who is allegedly missing.

2. Under the above mentioned circumstances, we do not find any reason to hold that the son of the petitioner Sri.Krishnakumar is in illegal custody or detention of respondents. Therefore, the above writ petition does not deserve merit and it is liable to be dismissed. We order accordingly.

3. However, it is made clear that, investigation with respect to the crime registered on the allegation of missing of Sri.Krishnakumar will be pursued with all earnest efforts by the 3rd respondent or by any other police officers concerned. It is further made clear that, it will be left open to the petitioner to pursue appropriate remedies, in case she has got any grievance with respect to the investigation of the said case.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge

SS