

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(Crl.).No. 289 of 2015 (S)

PETITIONER:

**LILLY KUTTY THOMAS,
AGED 50 YEARS, W/O. K.THOMAS,
RESIDING AT EBANAZAR PUTHEN VEETIL
MAVELIKKARA TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DEPUTY SUPERINTENDENT OF POLICE
KAYAMKULAM, ALAPPUZHA DISTRICT, PIN-690502.**
- 3. SI OF POLICE
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN-690502.**

**R1 TO R3 BY ADV. SRI. K.I. ABDUL RASHEED, ADGP &
ADV.SRI. P.S.ABDUL KAREEM, GOVT. PLEADER.**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 289 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- COPY OF THE COMPLAINT DATED 29-6-2015 SUBMITTED BY
PETITIONER BEFORE THE CHIEF MINISTER, STATE OF KERALA.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

W.P (Crl.) No. 289 OF 2015

DATED THIS THE 7th DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Allegation in this writ petition is that the petitioner's son, Sri. Juli V. Thomas was taken into custody by respondents 2 & 3 on 29-06-2015 at around 5.30 p.m., from a Textile shop run and managed by him, near to the house of the petitioner. Thereafter on several occasions the petitioner and her family members have approached respondents 2 & 3 in search of him. But it is revealed that he was not available in the Station House. It is alleged that respondents 2 & 3 had not given any proper explanation regarding whereabouts of the petitioner's son. Under such circumstances this case is filed seeking a writ of Habeas Corpus directing for production of corpus of the petitioner's son and set him at liberty, based on an allegation that the respondents 2 & 3 are keeping him under illegal confinement.

2. When the matter came up for admission on 03-07-2015, we directed the Government Pleader to get instructions from respondents 2 & 3. Today when the case is called up, learned Government Pleader appearing on behalf of the respondents submitted, based on instructions received, that the alleged detainee Sri. Juli V. Thomas was arrested on 04-07-2015 at 2 a.m. from a residential house in the locality, since he is implicated as accused in a case registered as Crime No.1906/2015 at Kayamkulam Police Station for offences punishable under Sections 341, 326, 307, 143, 147, 148, 149, 120B, 115 of IPC, along with other offences. It is stated that the said person was produced before the Judicial First Class Magistrate, Kayamkulam on the same day itself and he was remanded to judicial custody. At present the alleged detainee is in Sub Jail, Mavelikkara. It is also stated that the alleged detainee, Sri. Juli V. Thomas is accused in various criminal cases registered at Mavelikkara, Kayamkulam and Karunagapally Police Stations, including one punishable under Section 307 IPC and offences under the NDPS Act, Arms Act, Explosives Act etc. It is further mentioned that the victim of the assaulted in Crime No.1906/2015 had sustained very severe injuries and is

hospitalised in a critical stage at Medical Trust Hospital at Ernakulam.

3. Learned counsel for the petitioner controverted the above submissions stating that the petitioner's son was taken into custody on 29-06-2015 and not on 04-07-2015. However, we are of the opinion that such controversy need not be adjudicated in this proceedings, which is filed under Article 226 seeking a writ of Habeas Corpus.

4. Evidently the alleged detainee is now under judicial custody. Therefore there exists no circumstances warranting to order his production on the basis that he is under illegal detention.

5. Therefore the writ petition deserves no merit and the same is accordingly dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

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P.A. to Judge