

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(Crl.).No. 356 of 2015 (S)

PETITIONER:

**VIKRAM KUMAR,
AGED 27 YEARS, S/O.SITHRAM MAHATO,
BHAYAJITWAR, SAMASTHIPUR DISTRICT , BIHAR,
NOW RESIDING AT MONITOR SERVICES, THRIPTHY
RAVIPURAM ROAD, RAVIPURAM, ERNAKULAM
KOCHI-682006.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH**

RESPONDENTS:

- 1. STATION HOUSE OFFICER,
POLICE STATION, THEVARA,
ERNAKULAM DISTRICT, KOCHI-682013.**
- 2. THE COMMISSIONER OF POLICE,
KOCHI CITY, ERNAKULAM, KOCHI-682011.**
- 3. THE DIRECTOR GENERAL OF POLICE,
KERALA, THIRUVANANTHAPURAM-695001.**
- 4. MUKSHEDKHAN @ IMRAN,
S/O.GEYASUDDHIN KHAN, CHANDIVEDIBA, NAMALDILLA
WEST BENGAL STATE.**

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

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

WP(Crl.).No. 356 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

W.P (Crl.) No. 356 OF 2015

DATED THIS THE 1st DAY OF SEPTEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is approaching this court with the grievance that his wife Smt. Ragini Devi and his minor child aged 4 years namely, Manees are missing since 08-06-2015 onwards and that enquiries made by him had revealed that they were taken by the 4th respondent herein. Alleging that the 4th respondent is illegally detaining the petitioner's wife and his minor son against their free will, this petition is filed seeking a writ of Habeas Corpus for directing their production and to set them at liberty.

2. Averments in the writ petition is to the effect that the petitioner is a permanent resident of Bihar and he is working in a private firm at Cochin since the last 12 years. The petitioner along with his wife and 2 children were residing in an accommodation provided by the employer. The 4th respondent herein is a native of West Bengal who

was also working in the same company. He had left the job about 7 months back. When it was noticed that the wife and minor child of the petitioner is missing, the petitioner approached the 1st respondent by lodging a complaint as per Ext.P1. The 1st respondent gave an information after 2 days to the effect that the petitioner's wife and child had left along with the 4th respondent to West Bengal on 09-06-2015 in a train starting from Ernakulam. As instructed by the 1st respondent the petitioner went to West Bengal and made enquiries at various places. Eventhough he got information that the 4th respondent had reached his home along with the petitioner's wife and child, he could not locate them at any of the places in West Bengal. It is alleged that the police authorities at West Bengal as well as the 1st respondent has not taken any effective steps to investigate the case registered based on Ext.P1 complaint and to trace out the missing persons. It is based on the specific allegation that the alleged detenues are under illegal detention of the 4th respondent, this writ petition is filed.

3. When the case came up for consideration this court issued specific directions to respondents 1 & 2 to intensify the investigation of the case registered as Crime No.957/2015 and to make all earnest efforts to trace out the alleged detenues and to produce them before this court.

4. Today when the case is taken up, the 1st respondent had produced the alleged detenues, the wife and child of the petitioner, before this court. When we interacted with the wife of the petitioner Smt. Ragini Devi she said that she along with the child had left with the 4th respondent to West Bengal and they were residing together at various places in West Bengal. However, she said that she is now willing to go along with the petitioner to his place of residence. She said that she does not want to continue any relationship with the 4th respondent.

5. Under the above mentioned circumstances we are of the opinion that the alleged detenues, Smt. Ragini Devi and her minor son Master. Manees, are not under any illegal detention at present. They are set at liberty to go

along with the petitioner as desired by Smt. Ragini Devi and to live together with him as husband and wife.

The writ petition is disposed of as above.

Sd/-
C.K. ABDUL REHIM, JUDGE.

Sd/-
MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge