

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(Crl.).No. 361 of 2015 (S)

PETITIONER(S) :

NAEEMA, AGED 25 YEARS,
D/O.MUHAMMED, PUTHUKKUDY HOUSE, PARAMMEL,
PUTHUR, KOTTAKAL, MALAPPURAM 676 503.

BY ADV. SRI.P.B.AJOY

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
2. THE DIRECTOR GENERAL OF POLICE,
KERALA POLICE, STATE POLICE CHIEF OFFICE, VAZHUTHACAUD,
SASTHAMANAGALAM P.O, NEAR VELLAYAMBALAM,
THIRUVANANTHAPURAM KERALA 695 010.
3. THE DISTRICT POLICE CHIEF,
MALAPPURAM, KOZHIKODE, FEROKH - PALAKKAD HIGHWAY,
UP HILL, MALAPPURAM, KERALA 676 505.
4. THE DISTRICT POLICE CHIEF,
KOZHIKODE, O/O.DISTRICT POLICE CHIEF,
KOZHIKODE 673 001.

R1-R4 BY ADV. SRI. TOM JOSE PADINJAREKKARA,
ADDL. DIRECTOR GENERAL OF PROSECUTION
GOVERNMENT PLEADER SRI. SHIBU JOSEPH.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

W.P.(Crl.) No.361 of 2015

Dated this the 20th day of August, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner is approaching this court with an allegation that her brother Sri.Nizammudin @ Nizam, aged 24 years, is missing from the house since 05.08.2015 onwards. It is stated that the petitioner was informed over telephone by somebody introduced himself as a police constable that, her brother is in police custody. It is alleged that, despite efforts made by the petitioner and other family members, they could not trace out the alleged detainee Sri.Nizammudin @ Nizam, and that he was not produced so far before any court of law by the police authorities. Therefore the petitioner is seeking a writ of Habeas Corpus for directing production of the corpus of her brother and to set him at liberty.

2. When the case came up for consideration, we directed the Government Pleader to get instructions from the

respondents. Today when the case is taken up it is submitted on behalf of the respondents that, the alleged detainee, Sri. Nizammudin @ Nizam was taken into custody by the police authorities in connection with crime No.907/2015 registered at Town Police Station, Kozhikode, for offences punishable under Section 401 of I.P.C. It is further stated that he was produced before the Judicial First Class Magistrate Court-I, Kozhikode on 14.08.2015 and the learned magistrate had remanded him to judicial custody. It is reported that the alleged detainee Sri.Nizammudin @ Nizam is now under detention in judicial custody.

Under the above mentioned circumstances, we do not find circumstances existing to invoke jurisdiction of this court for issuance of any writ of Habeas Corpus on the premise that the alleged detainee is under illegal detention.

Hence the writ petition is hereby dismissed.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

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P.A. to Judge