IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

WP(C) NO. 42593 OF 2023

PETITIONER:

1 MADUKOLU CHIBUZOR SAMSON,
AGED 36 YEARS,
S/O GODFREY ARINZER MADUKOLU PERMANENTLY RESIDING AT ANANBRA STATE, ONITSHA DISTRICT, AMANUKE TOWAN VILLAGE, AKWA NORTH, NIGERIA - 420115 PRESENTLY DETAINED AT TRANSIT HOME, MAYYANADU P.O., KOTTIYAM, KOLLAM, PIN - 691571

2 CHRISTIAN MADUABUCHI ABUCHI,
AGED 44 YEARS,
COLNUS, LATE OWERRI (TOWN), MBANO IMO STATE, NIGERIA - 460271 PRESENTLY DETAINED AT TRANSIT HOME, MAYYANADU P.O., KOTTIYAM, KOLLAM, PIN - 691571

BY ADV NIHARIKA HEMA RAJ

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 FOREIGN REGIONAL REGISTRATION OFFICER (FRRO), COCHIN INTERNATIONAL AIRPORT, 2ND FLOOR, AIRLINES BUILDING, NEDUMBASSERY, PIN - 683111

3 THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, CENTRAL SECRETARIAT, NEW DELHI, PIN - 110001

4 THE STATION HOUSE OFFICER
GURUVAYUR TEMPLE POLICE STATION, MELPATHUR ROAD, SOUTH NADA, THRISSUR, PIN - 680101

5 THE STATION HOUSE OFFICER
CYBER CRIME POLICE STATION, THRISSUR, PIN - 680006

BY ADV. Girish Kumar V

SMT. DEEPA NARAYANAN, SR. GP. & DSGI INCHARGE T.C. KRISHNA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

I am in complete agreement with the learned counsel for the petitioners, that the continued detention of the petitioners for more than five years, for offences which are punishable with imprisonment for a maximum period of one year, is illegal and unjustified. In such circumstances, the submission of the learned Government Pleader that the case against the petitioners now stands posted to 09.09.2024 assumes importance. In my opinion, it will be appropriate to decide the case against the petitioners at the earliest.

The writ petition is hence disposed of, directing the Judicial First Class Magistrate, Chavakkad to conduct trial and dispose of C.C.No.327 of 2024 before 31.12.2024.

Sd/-

V.G.ARUN

JUDGE

msp

APPENDIX OF WP(C) 42593/2023

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE FIR DATED 17.12.2018 IN CRIME NO. 0608 OF 2018 OF GURUVAYUR TEMPLE POLICE STATION, THRISSUR
Exhibit P2	TRUE COPY OF THE PASSPORT OF THE 1ST PETITIONER ISSUED ON 30.08.2022
Exhibit P3	TRUE COPY OF THE PASSPORT OF THE 2ND PETITIONER ISSUED ON 31.08.2022
Exhibit P4	TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN CRL.M.C. NO. 5300 OF 2020 18.12.2020
Exhibit P5	TRUE COPY OF THE DETENTION ORDER NO. 30/BOL/CAP/2020DATED 05.03.2020
Exhibit P6	TRUE COPY OF THE ORDER OF THIS HON'BLE COURT DATED 19.10.2022 IN CRL.M.C. NO. 561 OF 2022

RESPONDENT ANNEXURES

Annexure R2(a)	A true copy of the Judgment dated 18.12.2020 in Crl.M.C 5300 of 2020 of this Honourable Court
Annexure R2(b)	A true copy of the interim order dated 20.10.2022 in WP(Crl) No.96 of 2022 of this Honourable Court
Annexure R1(c)	A true copy of the judgment in Crl.P.No.6578 of 2019 by the Hon'ble High Court of Karnataka dated 19.05.2020
Annexure R(d)	A true copy of judgment dated 04.09.2020 in Crl.P.200595 of 2020 of the Hon'ble High Court of Karnataka