IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(CRL.) NO. 98 OF 2025

PETITIONER:

**SAVIO THOMAS, AGED 53 YEARS, S/O MANI,
THAVALATHIL HOUSE, KURICHITHANAM P.O,
KURICHITHANAM, KOTTAYAM, MEENACHIL,
KOTTAYAM, PIN - 686634**

BY ADV K.C.BEENA

RESPONDENTS:

1 **THE STATE OF KERALA, REP. BY SECRETARY
TO HOME DEPARTMENT, SECRETARIAT,
THIRUVANTHAPURAM, PIN - 695001**

2 **STATION HOUSE OFFICER, ETTUMANOOR POLICE
STATION, KOTTAYAM DISTRICT, PIN - 686631**

3 **MATHEW @ APPACHAN, KAKKANATTU KALAYIL,
ATHIRAMPUZHA P.O, ATHIRAMPUZHA, KOTTAYAM
DISTRICT, PIN - 686562**

4 **THE DISTRICT POLICE CHIEF, KOTTAYAM
PIN - 686 002.
(ADDL.R4 IS SUO MOTU IMPLEADED AS PER ORDER
DATED 28/01/2025 IN WP(CRL.) 98/2025**

**BY ADVS.
GIGIMON ISSAC
TOBIAS TOGI MATHEW(K/867/2018)
SRI P M SHAMEER-GP**

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Devan Ramachandran, J.

The petitioner alleges that his sister – who will hereinafter be referred to as 'the alleged detenue' – has been missing from 23.12.2024. He insinuates that the 3rd respondent – his brother-in-law – is aware of the whereabouts of his sister; but that since he is not disclosing anything, he has been constrained to approach this Court, through this Writ Petition.

2. Hearing Smt.K.C.Beena – learned counsel for the petitioner on the afore lines on 24.01.2025, we issued the following order.

The learned Government Pleader takes notice for respondents 1 and 2. Issuance of notice of the 3rd respondent will be decided in due course.

> The learned Government Pleader takes notice for respondents 1 and 2. Issuance of notice of the 3rd respondent will be decided in due course.
>
> Adverting to the submissions of

> Smt.K.C.Beena that the petitioner is unable to afford a litigation; and that this is the legal aid matter, we direct the Police to trace out the detenue and ensure her presence before this Court on the next posting date.
>
> This shall be done discreetly using officers in plain clothes, without causing any breach of privacy or trauma to the alleged detenue or to the 3rd respondent.
>
> List on 28/01/2025.

3. Thereafter, this matter was considered various times; and on 11.02.2025, the learned Government Pleader – Sri.P.M.Shameer, submitted that a Special Investigation Team has been constituted, to trace out the alleged detenue.

4. On 20.02.2025, Sri.Gigimon Issac appeared on behalf of the 3rd respondent and submitted that his client is not aware of the whereabouts of the alleged detenue and that he himself has filed a complaint before the Police, which is numbered as Crime No.6/2025.

5. Today, the learned Government Pleader conceded that, in spite of several further orders of this Court and the effort of the Special Investigation Team, the alleged detenue could not be

traced out. He, therefore, left it to this Court to issue appropriate orders, including to cause further investigation by a competent agency, which he suggested to be the Crime Branch.

6. The learned counsel for the petitioner, however, submitted that her client require the Central Bureau of Investigation (CBI) to take over the investigation.

7. We are afraid that we cannot find favour with the afore request of the petitioner because, this is not a case where the alleged detenue is suspected to have left Kerala, or to have been abducted beyond its territory, at least as of now. We are, therefore, of the view that the suggestion of Sri.P.M.Shameer – learned Government Pleader, would be more apposite.

In the afore circumstances, we order this Writ Petition, directing that the files relating to the alleged detenue be handed over to the Crime Branch; with directions to the said agency to constitute a team to be headed by no lesser an officer than a Superintendent of Police. This shall be done within a period of

two weeks from the date of receipt of a copy of this judgment.

Even though this Writ Petition would stand disposed of with the afore directions, we order that it be listed before us after 45 days from today, for the first report or further action taken.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B. SNEHALATHA

JUDGE

RR

APPENDIX OF WP(CRL.) 98/2025

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE DISTRICT SUPERINTENDENT OF POLICE KOTTAYAM ON 31.12.2024
Exhibit P2	THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE DIRECTOR GENERAL OF POLICE ON 04.01.2025 EXPLAINING ALL THE FACTS AND CIRCUMSTANCES OF THE DETENUE
Exhibit P3	THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER FORWARDED TO DISTRICT COLLECTOR KOTTAYAM ON 04.01.2025