

Reena Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2013

Judge : Honourable Mr.Justice Pius C.Kuriakose

Appellant : Reena

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE & THE HON'BLE MR. JUSTICE P.D.RAJAN WEDNESDAY, THE 30TH DAY OF JANUARY 2013 10TH MAGHA 193 WP(Crl.).No. 6 of 2013 (S) -----

PETITIONER/MOTHER OF DETENUE: -----

REENA AGED 4 YEARS W/O R GESH,KOCHUPALACKAL KAIRALI NAGR-108. KILIKOLOOR. BY ADV. SRI.P.HARIDAS RESPONDENT(S) : -----

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME AFFAIRS,SECRETARIAT THIRUVANANTHAPURAM-695 001.

2. DIRECTOR GENERAL OF POLICE, KERALA STATE,THIRUVANANTHAPURAM-695 001.

3. DISTRICT POLICE CHIEF, KOLLAM,691 001.

4. CITY POLICE COMMISSIONER, KOZHIKODE 67300 5. SUB INSPECTOR OF POLICE, KILIKOLLOOR-691 108.

6. MUBEEN, C/O SAFOOR,KARPPYOIL HOUSE,KOZHIKODE 67300 7. SAFOOR, KARAPPOYIL HOUSE,KOZHIKODE 67300 *ADDL.R8 IMPEADED :

8. THE INSEPCTOR GENERAL OF POLICE CRIME BRANCH, THIRUVANANTHAPURAM ADDL. R8 IS IMPEADED AS PER ORDER DTD.10/1/2013 IN IA NO. 317/2013. R1 TO R5 & R8 BY STATE PUBLIC PROSECUTOR SRI.ASFALI BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR R7 BY ADV. SRI.PAUL K.VARGHESE R6 BY ADV. SRI.SUNNY MATHEW THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30.1.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BP WP(CrI.).No. 6 of 2013 (S) APPENDIX PETITIONER(S) EXHIBITS : EXHIBIT P1: TRUE COPY OF FIR NO.1328/2012 OF KILIKOLLOOR POLICE DATED 1 11.2012. EXHIBIT P2: TRUE COPY OF THE ADVERTISEMENT GIVEN IN MALAYALA MANORAMA DAILY DATED 3 11.2012. EXHIBIT P3: TRUE COPY OF THE POSTERS MADE IN SEARCH OF THE DETENUE MINOR SON OF PETITIONER. EXHIBIT P4: TRUE COPY OF THE POSTAL COVER OF EXHIBIT P5 LETTER. EXHIBIT P5: TRUE COPY OF THE LETTER SENT BY THE DETENUE MINOR SON TO THE PETITIONER. EXHIBIT P6: TRUE COPY OF THE SHEET OF NOTE BOOK OF PETITIONER'S SON SENT ALONG WITH EXHIBIT P5. EXHIBIT P7: TRUE COPY OF THE CALL LIST FROM THOSE NUMBERS FROM WHICH CALLS BY DETENUE MINOR SON WERE COME TO THE MOBILE PHONE OF PETITIONER'S HUSBAND. EXHIBIT P8: TRUE COPY OF THE PHOTOGRAPHS TAKEN WHILE THE STATEMETN WAS MADE BY THE 6TH RESPONDENT AND OTHERS TO THE POLICE. RESPONDENTS' EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE BP PIUS C. KURIAKOSE & P.D.RAJAN, JJ.

----- W.P.(CrI). No.6 of 2013 ----- Dated this the 30th day of January, 2013 JUDGMENT PIUS C. KURIAKOSE, J.

Read our judgment Dated 21.01.2013 and orders dated 23.01.2013, 25.01.2013 and 29.01.13. The judgment and orders are recalled.

2. Today Akshay the boy and Mubeen the 6th respondent are present before us. Sri.T.Asaf Ali, the State Public Prosecutor submitted before us a detailed report

dated 30.01.2013 from A.P.Shoukkathali, Dy. Superintendent of Police, Crime Branch CID HHW-III, Kozhikode Sub Unit, Kozhikode which reads as follows: "The above mentioned writ petition relates to a crime case registered under Sec.57(a) of KP Act Kalikolloor Police Station Kollam Dt. The case is that Mr.Akshay, age 16/13, s/o.Ragesh, Kochupalackal, Kairali Nagar-108, Kannimel Cheril Desam Kilikolloor was found missing on 31.10.2012 at about 16.30 hrs. The incident was reported at Kilikolloor Police Station on 1.11.12 at 09 .30 hrs and a case in crime No.1328/12 u/s 57(a) of KP act was registered. During the investigation the missing person was traced from Bangalore and produced before the Hon'ble Magistrate Court at kollom on 19.01.2013. Subsequently he was produced before the Hon'ble High Court Kerala on 21.01.2013 since petition was pending in this regard. Before the Hon'ble High Court, Kerala, the petitioner alleged illegal detention of her son Akshay by Mr.Mubeen, C/o.Safoor, Karappoyil House, Kozhikode-673001. On enquiry the missing person Akshay had resided from W.P.(Crl). No.6 o

2. 12.11.2012 to 28.12.2012 at "AMBADY INN" at Tali, Kozhikode within the limits of Kasaba Poolice Station. As per direction received over phone enquiry has conducted by the unit. During this period 17 rooms were booked(Bulk Booking) for the period from 29.11.2012 to 28.01.2013 by C.K.Mohamood alias Mehaboob, age 52/13, S/o.Alikutty, "Baithul Noor" Pallikandy Po. Kallai, Kozhikode, working as production Manager for "Gowri Meenakshi Movies. The name of the film is "Red Wines" starring by Mohan Lal. The director of the film is Shri.Salam Bappu, former associate director of Lal Jose. They were occupied rooms from 29.11.2012 to 28.01.2013 in Ambady Inn.(Between 17.12.2012 to 25.12.2012 they used only two rooms for keeping their personal belongings) After that they again occupied 17 rooms from 26.12.2012 to 28.012013. The occupants were carpenters, painters, their assistants, in Art Wing, and Catering Wing like food suppliers etc. Their age group around 40 years and belongs to Thiruvananthapuram, Kollam Districts. On enquiry it is also reveals that no children were occupied there in bulk during the period." 3. We interacted with Sri.Akshay and Sri.Mubeen. We specifically asked Sri.Akshay whether his version before this Court that in hotel "Ambadi Comfort Inn" the 6th respondent has brought about 20 youngsters like him from various parts of the State and that during the night on hearing cries from the rooms where

those youngsters were accommodated he enquired of Mubeen as to what was the reason for those cries and Mubeen told him that it is none of his business and that he does not have to worry. Akshay would turn a volte-face and tell us now that what he had told this Court earlier was not that 20 youngsters have been brought and accommodated in hotel "Ambadi Comfort W.P.(Crl). No.6 o

3. Inn" by the 6th respondent but only that during the night he had cries of youngsters from the rooms in hotel Ambadi Comfort Inn and enquired of Mubeen as to the cause for the cries. The report dated 29.01.2013 and 30.01.2013 shows that there is no reasonable ground to sustain that Mubeen is involved in any anti-national activities or activities which may affect the country's security. At the same time, there is material to hold that Mubeen is a man of various vices. The question is as to whether it is necessary to pass further orders in this writ petition where the relief sought for is a writ of habeas corpus for production of the boy Akshay. That question can be answered only in the negative in the light of what happened subsequent to the institution of the writ petition. We find that Mr.Akshay, the detenu, is residing happily with his parents. This writ petition is dismissed. PIUS C. KURIAKOSE Judge P.D.RAJAN Judge mns W.P.(Crl). No.6 of 2013 4

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