

Benjamin B.Mathew Vs. State of Kerala

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Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Benjamin B.Mathew

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC & THE HONOURABLE MR. JUSTICE P.D.RAJAN TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 WP(Crl.).No. 465 of 2013 (S) -----

PETITIONER(S): ----- BENJAMIN B.MATHEW,S/O.VARGHESE MATHEW (LATE) AGED 58 YEARS MANALIL, KARAKKAL P.O., THIRUVALLA-689108. BY ADVS.SRI.SAJITH KUMAR V. SRI.PRATHAP. S.R.K. RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY SECRETARY TO THE GOVERNMENT DEPARTMENT FOR HOME AFFAIRS, GOVERNMENT OF KERALA THIRUVANANTHAPURAM-695001.

2. THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, TRIVANDRUM-695001.

3. THE DEPUTY SUPERINTENDENT OF POLICE, THIRUVALLA 68910.

4. THE SUB INSPECTOR OF POLICE, THIRUVALLA, 689101.

5. SUJITH, S/O. SUDHAN, AGED 22 YEARS, RESIDING AT KADACKAMPALLIL ANAPARAMBAL NORTH P.O. THALAVADY, 689577.

6. SUDHAN, KADACKAMPALLIL, ANAPARAMBAL NORTH P.O., THALAVADY, 689577. R1-R4 BY ADV. SRI. TOM JOSE PADINJAREKARA - ADDL. DIRECTOR GENERAL OF PROSECUTION R5 & 6 BY ADV. SRI. C.V. MANUVILSAN R5 & 6 BY ADV. SRI. G. SUDHEER (THURAVOOR) R5 & 6 BY ADV. SMT. K. VIDYA R5 & 6 BY ADV. SRI. RAJAN VISHNURAJ R BY GOVERNMENT PLEADER THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 29.10.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(Crl.).No. 465 of 2013 (S) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1- A TRUE COPY OF THE SSLC CERTIFICATE DATED 28.4.2011. EXHIBIT P2- A TRUE COPY OF THE IDENTITY CARD ISSUED BY THE PRINCIPAL MARTHOMA COLLEGE, THIRUVALLA. EXHIBIT P3- A TRUE COPY OF THE PETITION DATED 5.10.2013 SUBMITTED BY THE PETITIONER BEFORE THE 3D RESPONDENT. RESPONDENT(S)' EXHIBITS -----: NIL. TRUE COPY PA TO JUDGE. acd ANTONY DOMINIC & P.D. RAJAN, JJ.

----- W.P.(Crl)No.465 of 2013
----- Dated this the 29th day of October, 2013

JUDGMENT

ANTONY DOMINIC, J.

This writ petition was filed alleging that the petitioner's daughter 'Jain. B. Mathew', a first year Degree student of Marthoma College, Thiruvalla was being illegally detained by respondents 5 and 6.

2. Pursuant to the order dated 10.10.2013, the aforesaid alleged detainee was produced before this Court and this Court passed order dated 17th October 2013, the operative portion of which reads thus: "3. The detainee is only 18 years old and we feel that she should also get more time for reflecting on the consequences

of the marriage she has now chosen to contract. Therefore, for the present we make the following arrangements:

1. The petitioner will accommodate the detinue at SNV Sadanam Hostel, Ernakulam from today. The expenses in this behalf shall be paid by the petitioner himself.
2. During her stay in the hostel her parents and brother alone will be allowed visitorial rights subject to the rules of the hostel.
3. During this period, it will be also open to the petitioner to provide any expert counselling to the detinue.
4. The detinue will be produced before this court on 29.10.2013. On that occasion this court will ascertain the W.P.(Crl)No.465/13 2 decision of the detinue and thereafter consider passing further orders in this matter.
5. The Additional Sub Inspector of Police, Thiruvalla, who is present in this court will ensure that the detinue is taken to the hostel and accommodate there.
6. On 29.10.2013 when the detinue is brought before this court she will either be escorted by the 4th respondent or by a Women Police Constable not in uniform. Post on 29.10.2013." 3. In compliance with the above order, the detinue was again produced before us today and we interacted with the detinue. She told us in clear terms that her desire is to continue her studies and to go with the petitioner, who is her father. She also told us that after completion of her study only she will take a decision on her future life.
4. From the above, therefore, it is evident that the detinue does not want to continue her relationship, if any, with the 5th or 6th respondents.
5. In such circumstances, the detinue is entitled to be entrusted to the custody of the petitioner.
6. The learned counsel for the petitioner states that the S.S.L.C. Book and certain other belongings to the detinue are in the custody of respondents 5 and 6. If as stated by him, the respondents 5 and 6 are in possession of any of the

W.P.(CrI)No.465/13 3 belongings to the detenue, the same shall be returned to the petitioner. Therefore, accordingly, this writ petition is disposed of. ANTONY DOMINIC, JUDGE P.D. RAJAN, JUDGE. acd W.P.(CrI)No.465/13 4

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