

Niyad vs State of Kerala

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mr. Justice S.Manu

Appeal No. : WP(C)/16177/2024

Appellant : NIYAD

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MR. JUSTICE S.MANU FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 PETITIONER :- NIYAD, AGED 39 YEARS S/O HABEEB, N.N.COTTAGE, KADATHUR P.O, THAZHAVA, KARUNAGAPPALLY, KOLLAM DISTRICT, PIN - 690523 BY ADV M.H.HANIS RESPONDENT :- STATE OF KERALA REPRESENTED BY ADDITIONAL CHIEF SECRETARY, HOME (SSA) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 BY ADVS. ADVOCATE GENERAL OFFICE KERALA ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11) ADDL.

STATE PUBLIC PROSECUTOR(AG-28) SRI.K.A.ANAS, PP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

A.MUHAMED MUSTAQUE, J This is a successive writ petition. The first writ petition was filed by the mother of the petitioner challenging the detention order; this Court dismissed it.

2. Now the petitioner, who is the detenu himself has

come up with this writ petition challenging the confirmation order. The detention order and the confirmation order are invoking the statutory provision. The detention order and confirmation orders cannot be challenged in piecemeal. This Court has dismissed the earlier writ petition. Now the petitioner cannot challenge the confirmation order in another writ petition as both are related to the detention, as substantial challenge is against the detention. If that be the case, the second writ petition is not maintainable. This writ petition is dismissed accordingly.

A.MUHAMED MUSTAQUE JUDGE S.MANU SMA JUDGE APPENDIX OF WP(C) 16177/2024 PETITIONER EXHIBITS :- Exhibit P1 A TRUE COPY OF THE JUDGMENT DATED 07.03.2024 IN W.P.(CRL.) NO. 85/2024 OF THIS HON'BLE COURT Exhibit P2 A TRUE COPY OF THE ORDER G.O.(RT) NO.

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