

Maya vs State of Kerala

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Court : Kerala

Decided On : Aug-11-2023

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : WP(Crl.)/626/2023

Appellant : MAYA

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
FRIDAY, THE 11TH DAY OF AUGUST 2023 / 20TH SRAVANA, 1945
WP(CRL.) NO. 626 OF 2023 PETITIONER/S: MAYA AGED 52 YEARS
W/O MANILAL, SUDHI BHAVAN, KULAPPADA, UZHAMALACKAL
VILLAGE, ARYANAD, THIRUVANANTHAPURAM, PIN - BY ADV
LATHEESH SEBASTIAN RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ADDITIONAL CHIEF
SECRETARY AND SECRETARY TO HOME DEPARTMENT,

SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 DISTRICT
MAGISTRATE/DISTRICT COLLECTOR CIVIL STATION,
THIRUVANANTHAPURAM, PIN - 695043 3 THE DISTRICT POLICE
CHIEF THIRUVANANTHAPURAM RURAL, THIRUVANANTHAPURAM,
PIN - 695033 4 THE DEPUTY SUPERINTENDENT OF POLICE
KATTAKKADA, THIRUVANANTHAPURAM, PIN - 695543 5 STATION
HOUSE OFFICER ARYANAD POLICE STATION,
THIRUVANANTHAPURAM RURAL, PIN - 695542 BY ADVS. PUBLIC
PROSECUTOR SHRI K.A.ANAS THIS WRIT PETITION (CRIMINAL)
HAVING BEEN FINALLY HEARD ON

4.08.2023, THE COURT ON 11/8/2023 DELIVERED THE FOLLOWING:
A.MUHAMED MUSTAQUE & SOPHY THOMAS, JJ. Dated this the 11th
day of August, 2023

J U D G M E N T

A.Muhamed Mustaque, J.

This writ petition (criminal) was filed challenging an order

of detention under Section 3(1) of the Kerala Anti-Social Activities (Prevention) Act. The main ground urged in the writ petition was that the order of detention was passed on 04/03/2023 but the last prejudicial activity relied upon was on 7/9/2022 and, therefore, there was no live link between the last prejudicial activity and the detention order.

2. It is appropriate to refer to convergent events. The

crime was registered on 08/09/2022 relating to the last prejudicial activity. The detainee was arrested only on 26/01/2023. He was bailed out on 01/02/2023. The report of the sponsoring authority was submitted on 28/02/2023, and the Order of detention was passed on 04/03/2022. The delay involved has been explained in the detention order itself. It was also noted that the detainee was absconding after registration of the crime on 08/09/2022, and he

-:2:- was arrested only on 26/01/2023. The delay having been explained, we do not find any reason to hold that the live link between the last prejudicial activity and the detention order, has been snapped.

3. This Court in *Narayanan K. v. State of Kerala and Ors.*

[2013 (4) KHC 747] opined that when delay was occasioned due to the fact that the detainee was absconding, it was not open for the detainee to raise the plea that the live link was snapped due to the delay.

In the circumstances, we find no reason to interfere with the impugned order. The writ petition (criminal) fails and is, accordingly, dismissed. A.MUHAMED MUSTAQUE, JUDGE SOPHY THOMAS, JUDGE ms -:3:- APPENDIX OF WP(CRL.) 626/2023 PETITIONER EXHIBITS ExhibitP1 TRUE COPY OF THE FORWARDING LETTER OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT DATED 27.11.2022 ExhibitP2 TRUE COPY OF THE FORWARDING LETTER OF THE 4TH RESPONDENT TO THE 3RD RESPONDENT DATED 28.11.2022 ExhibitP3 TRUE COPY OF THE REPORT OF THE 3RD RESPONDENT SUBMITTED TO THE 2ND RESPONDENT DATED 28.12.2022 ExhibitP4 TRUE COPY OF THE FIR IN CRIME NO.458/2021 OF ARYANAD POLICE STATION ExhibitP5 TRUE COPY OF THE DETENTION ORDER OF 2ND

RESPONDENT DATED 04.03.2023 SERVED ON THE DETENUE BY THE 5TH RESPONDENT ON 09.03.2023, WHILE ARRESTING THE DETENUE ExhibitP6 TRUE COPY OF THE REPRESENTATION OF THE PETITIONER SUBMITTED ON BEHALF OF THE DETENUE BEFORE THE ADVISORY BOARD OF KAA(P)A BOARD DATED 23.03.2023 ExhibitP7 TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 25.05.2023 BEARING NO.G.O.(RT) NO.1340/2023/HOME

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