



2024/KER/4996

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

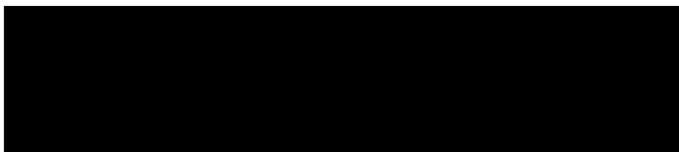
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THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 24TH DAY OF JANUARY 2024 / 4TH MAGHA, 1945

WP(CRL.) NO.1220 OF 2023

PETITIONER:



BY ADV.K.M.MUHAMMED HUSSAIN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.
- 2 THE DISTRICT COLLECTOR/DISTRICT MAGISTRATE,
THRISSUR, AYYANTHOLE, THRISSUR DISTRICT,
PIN - 680003.
- 3 THE DISTRICT POLICE CHIEF/CITY POLICE COMMISSIONER,
THRISSUR CITY, THRISSUR DISTRICT, PIN - 680003.
- 4 THE ASSISTANT CITY POLICE COMMISSIONER,
OLLUR, THRISSUR DISTRICT, PIN - 680303.
- 5 THE STATION HOUSE OFFICER,
MANNUTHY POLICE STATION,
THRISSUR DISTRICT, PIN - 680306.

BY PUBLIC PROSECUTOR, SRI.K.A.ANAS

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
24.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

A.Muhamed Mustaque, J

The petitioner is the father of the detenu. The detenu is 21 years old. He is alleged to have been involved in 7 crimes. The last crime was occurred on 16.7.2023, within the Police Station premises. We have serious doubts as to the veracity of the allegations against the detenu. Today, we summoned the detenu before this Court. His parents are also present before this Court. The detenu submits that one Civil Police Officer, namely, [REDACTED] insisted him to disclose the activities of his friends who were involved in several crimes and on account of non disclosure of their activities, the above officer implicated him on various crimes. 5th and 6th crimes alleged to have been occurred on 09.05.2023. One crime registered on 09.05.2023 is under the NDPS Act in which the detenu can be set free on payment of fine and the other is alleged to have caused obstruction to the official



duties to the aforesaid police officer, Kiran.

Having adverted to the nature of those crimes, we are of the view that these cannot be taken to classify as offence having an impact on public order. If those crimes are excluded, there will be a long delay in proceeding against the detenu under the Kerala Anti-Social Activities (Prevention) Act, 2007 (for short, KAA(P) Act) as all other crimes were occurred between the years 2021 and 2022. Thus, we are of the view that the live link between the last prejudicial activity has been snapped for the purpose of KAA(P) Act and the detenu has to be set at liberty. Accordingly, the impugned order is set aside. Since the detenu is before us, he has been set at free from this Court forthwith. Taking note of the age of the detenu who is present before us, we appoint, Adv.Leo Lukose as the Mentor for the detenu.



The Public Prosecutor shall communicate this order to the Jail Authorities and inform that the detenu is left off from this Court.

The writ petition(criminal) is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

SHOBA ANNAMMA EAPEN, JUDGE

In



APPENDIX OF WP(CRL.) 1220/2023

PETITIONER'S EXHIBITS:

EXHIBIT P1 THE TRUE COPY OF THE DETENTION ORDER
NO.C1-7640/2023 DATED 18.08.2023 PASSED
BY THE 2 ND RESPONDENT.

EXHIBIT P2 THE TRUE COPY OF THE COVERING LETTER
SUBMITTED BY THE 5TH RESPONDENT BEFORE
THE 3 RD RESPONDENT DATED NIL.

EXHIBIT P3 THE TRUE COPY OF THE REPORT SUBMITTED BY
THE 4 TH RESPONDENT BEFORE THE 3 RD
RESPONDENT DATED 26-06-2023.

EXHIBIT P4 THE TRUE COPY OF THE REPORT SUBMITTED BY
THE 3 RD RESPONDENT BEFORE THE 2 ND
RESPONDENT DATED 15-07-2023.

EXHIBIT P5 THE TRUE COPY APPROVAL ORDER PASSED BY
THE 1 ST RESPONDENT DATED 05-09-2023.

EXHIBIT P6 THE TRUE COPY OF REPRESENTATION IN R.C
NO 283 OF 2023 SUBMITTED BEFORE THE
ADVISORY BOARD DATED 29-09-2023.

EXHIBIT P7 THE TRUE COPY OF ORDER PASSED BY THE 1
ST RESPONDENT DATED 08-11-2023.