



2026:KER:40145

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 8TH DAY OF JUNE 2026 / 18TH JYAISHTA, 1948

WP(C) NO. 17826 OF 2026

PETITIONERS:

- 1 **WEI, CHUN-JU**
AGED 44 YEARS
MASTER OF THE VESSEL WAN HAI 503,
TAIWANESE NATIONAL
HOLDING PASSPORT BEARING NO. 3141 25941, H
AVING PERMANENT RESIDENCE AT: 6F, NO.419, FUKU
ROAD, XITUN DISTRICT,
TAICHUNG CITY, TAIWAN, POSTAL CODE: 407 137
CURRENTLY RESIDING AT THE OCEAN PEARL INN,
BEJAI, KAPIKAD, MANGALORE, KARNATAKA, PIN -
575004
- 2 **TAO, PENG**
AGED 35 YEARS
CHIEF OFFICER OF THE VESSEL WAN HAI 503,
CHINESE NATIONAL
HOLDING PASSPORT BEARING NO. EJ351 1818,
HAVING PERMANENT RESIDENCE AT: NO.12, GROUP 1,
CAIJIAZUI, LUSHAN VILLAGE, YANGLUO STREET,
XINZHOU DISTRICT, WUHAN CITY, HUBEI PROVINCE,
CHINA, POSTAL CODE: 430 415
CURRENTLY RESIDING AT THE OCEAN PEARL INN,
BEJAI, KAPIKAD, MANGALORE,
KARNATAKA, PIN - 575004

BY ADVS.

SRI.JIKKU SEBAN GEORGE
SMT.DEEPTI SUSAN GEORGE
SMT.ANJANA WILSON

RESPONDENTS:

- 1 **UNION OF INDIA**
REPRESENTED BY THE SECRETARY,
MINISTRY OF PORT, SHIPPING AND WATERWAYS,
HAVING HIS OFFICE AT PARIVAHAN BHAVAN, 1,
PARLIAMENT STREET, NEW DELHI, PIN - 110001



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- 2 THE PRINCIPAL OFFICER
MERCANTILE MARINE DEPARTMENT KOCHI
WILLINGDON ISLAND, KOCHI, KERALA, PIN - 682009
 - 3 MERCANTILE MARINE DEPARTMENT
MANGALORE 'A' BLOCK, FIRST FLOOR,
MMD RESI QTR. BLDG, 23RD STREET, NMPT COLONY,
PANAMBUR, MANGALORE, REPRESENTED BY ITS
AUTHORISED OFFICER, PIN - 575010
 - 4 DIRECTOR GENERAL OF SHIPPING
HAVING OFFICE AT KABJUR VILLAGE RD,
9TH FLOOR BETA BUILDING, I-THINK TECHNO CAMPUS,
KANJURMARG EAST, MUMBAI,
MAHARASHTRA, PIN - 400042
 - 5 STATE OF KERALA
REPRESENTED BY SECRETARY,
HOME DEPARTMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001
 - 6 INSPECTOR GENERAL OF POLICE
COASTAL SECURITY, KERALA COASTAL POLICE
HEADQUARTERS, SHANMUGHAM ROAD,
MARINE DRIVE, ERNAKULAM, PIN - 682031
 - 7 STATION HOUSE OFFICER
COASTAL POLICE STATION,
FORT KOCHI, PIN - 682001
- BY ADV. K.V.SREE VINAYAKAN, CGC

OTHER PRESENT

BY ADV. PARVATHY KOTTOL,
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08.06.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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BECHU KURIAN THOMAS, J.

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Dated this the 8th day of June, 2026

JUDGMENT

Petitioners are the Master and the Chief Officer of a vessel by name 'M.V. Wan Hai 503'. The said vessel suffered a marine casualty on account of an onboard fire. The incident occurred on 09.06.2025, at a location, 44 nautical miles from Azheekal, Kerala. Subsequently, the vessel was towed to Jebel Ali Port at United Arab Emirates on 24.08.2025. In the meantime, petitioners have been detained at Mangalore in connection with the pending crime and investigation is being conducted by the 3rd respondent as well as the 4th respondent. Considering their long period of detention, petitioners seek a direction, permitting them to return to their country of residence.

2. A statement has been filed on behalf of respondents 1 to 4 pointing out that they have no objection for repatriation/release of the petitioners, provided that their future availability is secured so as to safeguard the interests of the investigation and to ensure their presence, whenever required by the competent authorities in connection with the matter.

3. In the counter affidavit filed by the 7th respondent it is stated that the vessel, while en route through the outer sea area of Beypore



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caught fire leading to an oil leak. Thereafter containers from the vessel fell into the sea and hazardous gases and other chemical substances were emitted from those containers. Pursuant to a complaint, Crime No.15/2025 of Coastal Police Station, Fort Kochi was registered for the offences under Sections 282, 285, 286, 287, 288 and Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023. It is also stated that the passports of five persons including the petitioners were seized and produced before the Magistrate's Court. The 7th respondent has stated that the petitioners cannot be permitted to leave the country as it is necessary to examine whether they have held decisive leadership positions in the vessel and had committed lapses. It is also stated that they may change their address and fail to appear before the Court rendering it impossible to complete the investigation.

4. I have heard Adv. Santhosh Mathew, the learned Senior Counsel, as instructed by Adv. Jikku Seban George, the learned counsel for the petitioners, Sri. Sree Vinayakan K.V., the learned Central Government Counsel, as well as Adv. Parvathy Kottol, the learned Government Pleader.

5. Petitioners are seafarers who have been detained from 09.06.2025 till date. Their presence in the country is required for the purpose of investigation in Crime No.15/2025 of the Coastal Police Station, Fort Kochi, as well as the investigation being carried out under the Merchant Shipping Act, 1958. The investigation commenced on



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17.06.2025 when the FIR was registered. Surprisingly it has not been completed till date.

6. Respondents 2 to 4, who are conducting the investigation under the Merchant Shipping Act, 1958 have categorically stated that they have no objection to the petitioners leaving the country, provided they appear as and when required.

7. The criminal investigation pursuant to Crime No.15/2025 has not yet been completed but has been going on for the last almost 12 months. On a perusal of the FIR, it is noticed that the offences alleged are under Sections 282, 285, 286, 287, and 288 r/w Section 3(5) of BNS of which already, Section 285 BNS has been deleted. All those offences are bailable in nature and are even punishable with imprisonment, or fine or with both.

8. Having regard to the length of the period that they have been detained in India, i.e., from 09.06.2025 onwards, I am of the view that their continued detention in India is against the principles of Maritime Conventions including the Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, 2006. Of course, those are only guidelines framed by the International Maritime Organization and are not binding. Nevertheless, the said principle cannot be disregarded lightly.

9. Moreover, the 7th respondent has not stated as to when the investigation will be completed. It is evident that petitioners would be



required to answer the crime, if ultimately it is chargesheeted against them. For such a purpose, their continued presence in India, that too, indefinitely, is not necessary. Of course, it has to be ensured that they appear before the court as and when required, for which purpose necessary conditions can be imposed.

10. Accordingly, I am satisfied that the petitioners can be permitted to leave India and return to their respective native country/residence on the following conditions:

- i. *Petitioners shall execute a bank guarantee for a sum Rs.25,00,000/- (Rupees Twenty-Five Lakhs only), in favour of the 3rd respondent, for a period of one year, which shall be renewed every year until the criminal case as well as the proceedings before respondents 1 to 4 are completed.*
- ii. *Petitioners shall appear either in person or online, as and when required by any court of law or by any of respondents 1 to 4, as directed by the said Court or other authority.*
- iii. *The Judicial First Class Magistrate Court-I, Fort Kochi, shall return the passports seized from the petitioners and deposited before the Court, immediately on petitioners filing an affidavit, undertaking that they shall appear before the court as and when required.*
- iv. *In case petitioners fail to comply with any directions of any Court of law or respondents 1 to 4 in relation to their presence, either in person or online, the 3rd*



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respondent shall be at liberty to encash the bank guarantee and initiate appropriate proceedings to ensure their presence.

The writ petition is disposed of.

jka/08.06.26.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**



**HIGH COURT OF KERALA
CERTIFIED COPY**



APPENDIX OF WP(C) NO. 17826 OF 2026

PETITIONER EXHIBITS

- Exhibit P1** A TRUE COPY OF THE PASSPORT OF THE 1ST PETITIONER
- Exhibit P2** A TRUE COPY OF THE PASSPORT OF THE 2ND PETITIONER
- Exhibit P3** A TRUE COPY OF THE SEAFARER EMPLOYMENT AGREEMENT OF THE 1ST PETITIONER
- Exhibit P4** A TRUE COPY OF THE SEAFARER EMPLOYMENT AGREEMENT OF THE 2ND PETITIONER
- Exhibit P5** A TRUE COPY OF THE VESSEL'S REGISTRATION CERTIFICATE AT THE RELEVANT TIME
- Exhibit P6** A TRUE COPY OF THE DGS SITREP NO. 24 DATED 2ND JULY 2025
- Exhibit P7** A TRUE COPY OF THE DGS SITREP NO. 35 DATED 24TH JULY 2025
- Exhibit P8** A TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT VIDE EMAIL DATED 10TH JUNE 2025 CALLING FOR THE PRESENCE OF THE CREW OF THE VESSEL
- Exhibit P9** A TRUE COPY OF THE FIRST INFORMATION REPORT BEARING CRIME NO.15/2025 OF THE COASTAL POLICE STATION, FORT KOCHI, DATED 17TH JUNE 2025
- Exhibit P10** A TRUE COPY OF THE ORDER DATED 17TH JUNE 2025 CONSTITUTING THE SIT
- Exhibit P11** A TRUE COPY OF THE REPATRIATION REQUEST DATED 23RD JULY 2025
- Exhibit P12** A TRUE COPY OF THE NOTICE ISSUED BY FORT KOCHI COASTAL POLICE STATION, DATED 29TH JULY 2025 AND THE SEIZURE MAHASSAR DATED 2ND AUGUST 2025
- Exhibit P13** A TRUE COPY OF THE LETTER BEARING NUMBER 25-19/7/2025-NT-DGS(COMP.NO.35142) ISSUED BY THE 4TH RESPONDENT DATED 5TH AUGUST 2025



- Exhibit P14** A TRUE COPY OF THE UNDERTAKING PROVIDED BY THE OWNERS DATED 14TH AUGUST 2025
- Exhibit P15** A TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DATED 20TH AUGUST 2025
- Exhibit P16** TRUE COPIES OF THE EMAIL AND THE LETTERS DATED 27TH NOVEMBER 2025
- Exhibit P17** TRUE COPIES OF THE EMAIL AND THE LETTERS DATED 9TH JANUARY 2026
- Exhibit P18** A TRUE COPY OF THE EMAIL AND LETTER FROM THE 4TH RESPONDENT TO THE 3RD RESPONDENT DATED 9TH JANUARY 2026
- Exhibit P19** A TRUE COPY OF THE LETTER DATED 12TH JANUARY 2026 ALONG WITH THE EMAIL DATED 13TH JANUARY 2026
- Exhibit P20** TRUE COPY OF THE EMAIL REQUEST ALONG WITH THE LETTER DATED 28TH JANUARY 2026
- Exhibit P21** TRUE COPY OF THE EMAILS DATED 6TH FEBRUARY 2026 AND 29TH FEBRUARY 2026, SUBMITTING MEDICAL RECORDS
- Exhibit P22** TRUE COPY OF THE CONDITIONAL PERMISSION FOR EMERGENCY REPATRIATION DATED 04TH FEBRUARY 2026, ALONG WITH THE EMAIL DATED 10TH FEBRUARY 2026 FROM THE 4TH RESPONDENT
- Exhibit P23** TRUE COPY OF THE LETTER DATED 11TH FEBRUARY 2026, ALONG WITH THE EMAIL DATED 12TH FEBRUARY 2026 FROM THE 3RD RESPONDENT
- Exhibit P24** TRUE COPY OF THE GUIDELINES ON FAIR TREATMENT OF SEAFARERS IN THE EVENT OF A MARITIME ACCIDENT