

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 24<sup>TH</sup> DAY OF JANUARY 2023 / 4TH MAGHA, 1944

W.P. (CRL.) NO. 596 OF 2022

PETITIONER:

SHABNA ABDULLA  
AGED 38 YEARS  
SHABNA ABDULLA, SAITHUKUDIYIL, ELAMBRA,  
THRIKARIYOOR P.O., NELLIKUZHI, KOTHAMANGALAM,  
ERNAKULAM DISTRICT, PIN - 686691.

BY ADVS.  
M.AJAY  
V.P.PRASAD

RESPONDENTS:

- 1 THE UNION OF INDIA [REPRESENTED BY ITS SPECIAL SECRETARY AND DIRECTOR GENERAL], CENTRAL ECONOMIC INTELLIGENCE BUREAU, MINISTRY OF FINANCE, DEPARTMENT OF REVENUE 5TH FLOOR B WING JANPATH BHAVAN JANPATH NEW DELHI, PIN - 110001.
- 2 THE JOINT SECRETARY (COFEPOSA), GOVERNMENT OF INDIA, MINISTRY OF FINANCE, DEPARTMENT OF REVENUE, CENTRAL ECONOMIC INTELLIGENCE BUREAU, 5TH FLOOR, B WING, JANPATH BHAVAN, JANPATH, NEW DELHI, PIN - 110001.
- 3 THE DIRECTORATE OF REVENUE INTELLIGENCE, [REPRESENTED HEREIN BY THE PRINCIPAL ADDITIONAL DIRECTOR GENERAL], ZONAL UNIT, 32/641A VYLOPPILLI ROAD, ST. THOMAS LANE, PALLINADA, PALARIVATTOM, KOCHI, PIN - 682025.

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- 4 THE COFEPOSA ADVISORY BOARD, HIGH COURT OF KERALA, [REPRESENTED BY THE SECRETARY, (COFEPOSA)], REGISTRAR (JUDICIAL), HIGH COURT BUILDINGS, ERNAKULAM, PIN - 682031.
- 5 THE SUPERINTENDENT, CENTRAL PRISON AND CORRECTIONAL HOME, POOJAPPURA, THIRUVANANTHAPURAM, PIN - 695012.
- 6 THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014.
- 7 THE DISTRICT POLICE CHIEF, ERNAKULAM (RURAL), DISTRICT POLICE OFFICE, SUB JAIL ROAD, ALUVA, PIN - 683101.

BY ADVS.

R1 & R2 BY SRI.SUVIN R MENON, CGC

R3 BY S.MANU, SC

R5 TO R7 SRI.K.A.ANAS, GP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR FINAL HEARING ON 23.12.2022, THE COURT ON 24.01.2023 DELIVERED THE FOLLOWING:

**JUDGMENT**

P.G. Ajithkumar, J.

This Writ Petition under Article 226 of the Constitution of India was filed seeking to issue a writ of habeas corpus to produce before this Court Sri.Abdul Raof ('the detenu') who is under detention under the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 [hereinafter referred to as 'the COFEPOSA Act'] and to set him at liberty forthwith; and to issue a writ of certiorari declaring that Ext.P8 Detention Order, as well as Ext.P19 Confirmation Order, as unconstitutional, illegal, and unsustainable in law.

2. Ext.P8 is the Detention Order issued by the second respondent under Section 3(1) of the COFEPOSA Act for the detention of Sri.Abdul Raof. Exhibit P19 is the Confirmation Order issued by the authorised representative of the 1<sup>st</sup> respondent under Section 8(f) read with Section 10 of the COFEPOSA Act directing to detain him for a period of one year from the date of detention, 06.03.2022.

3. The incidents which culminated in the issuance of Exts.P8 and P19, gatherable from the narration of facts in the Writ Petition, are the following:

3.1 The unaccompanied baggage of one Althaf Moosan Mukri, was checked on 20.04.2021 and inside the compressor of the refrigerator amongst the baggage, contraband gold weighing 14763.300 Grams valued at Rs.7,16,16,768/- was found and seized. Based on the statement of the passenger, three persons, the father-in-law of the detenu, Sri.Mohammed Ali, the brother of the detenu, Sri.Abdulla S.S. and the Customs G Card holder, Sri.Biju V. Joy were summoned on 20.04.2021 and their statements were recorded under Section 108 of the Customs Act, 1962. On 21.04.2021 another statement was recorded from Sri.Mohammed Ali.

3.2. The Directorate of Revenue Intelligence (DRI) recorded further statements from them in which they reiterated their earlier statements and gave further evidence from which complicity of the detenu was established. In their

statements, they admitted that the detenu who was residing in Dubai, UAE was running a cargo handling and forwarding business and was scouting passengers who had unaccompanied cargo to be sent to India. The contraband gold concealed in the compressors of refrigerators of the detenu was thus sent along with his unaccompanied baggage which was cleared in Cochin by Sri.Biju V Joy. The baggage was received by Sri. Mohammed Ali, and was later handed over to the passenger after retrieving smuggled gold from the compressors. They also admitted that apart from the detenu, Sri. Mohammed Ali, Sri.Abdulla S.S. and Sri.Biju V. Joy had invested money to procure the contraband gold and after selling the contraband gold money would be sent back to the detenu through hawala channels.

3.3 Although bail applications filed by Sri. Mohammed Ali, Sri. Abdulla S.S. and Sri. Biju V. Joy were dismissed by the Additional Chief Magistrate (Economic Offences), Ernakulam; they were granted bail by the Sessions Court, Ernakulam on 11.05.2021.

3.4. On 27.07.2021 the detenu was served through the Indian Consulate, Dubai the summons issued by the Sponsoring Authority to appear before the investigating officer. But he did not appear before the investigating officer. However, he sent a letter stating that he was unable to appear in terms of the summons.

3.5. On 18.10.2021 on completion of the investigation Show Cause Notice dated 18.10.2021 was issued to many persons including the detenu. The detenu engaged a Counsel to participate in the adjudication proceedings to prove his innocence. Still, he did not appear and participate in the adjudication proceedings.

3.6. In order to understand whether there was any Detention Order issued against him, the detenu sent a letter to the DG, CEIB as well as the Detaining Authority on 31.12.2021 by Speed Post requesting each of them to inform him whether any Detention Order was issued against him.

3.7. The detenu came to India on 27.12.2021 and he claims that thereafter he has been living in his family house

and attending to his normal day-to-day activities. However, neither the respondents nor any officer under them serve the Detention Order against him.

3.8. On 05.03.2022 forenoon the detenu was taken into custody by police officers deputed by the seventh respondent. Ext.P8 order dated 24.08.2021 issued under Section 3(1) of the COFEPOSA Act was served on the detenu. The detenu was taken to the Central Prison, Poojappura where he is under detention. Copies of the Grounds of Detention were served on the detenu on 7.3.22, a copy of which is Ext.P9. Copies of the documents relied upon by the Detaining Authority were also served along with Ext.P9.

3.9. On 24.03.2022 the 1<sup>st</sup> respondent referred the case of the detenu under Section 8(b) of the COFEPOSA Act to the fourth respondent, the Advisory Board.

3.10 The detenu saying that the voluminous documents served on him contained extremely technical jargon and were beyond his comprehension and he was unable to fathom and that many materials on which the Detaining Authority had

placed reliance for his conclusions were not supplied to him; he addressed the Detaining Authority and the DG, CEIB on 05.04.2022 requesting for further materials, documents and information. Copies of those requests are Exts.P12 and P13.

3.11. Ext.P12 addressed to the Detaining Authority was treated as a representation and was disposed of by him on 07.04.2022. The Memorandum dated 07.04.2022 issued by the Director (COFEPOSA) conveying the rejection of the representation is Ext.P15 and a copy of the same was served on the detenu on 07.04.2022 itself.

3.12. On 07.04.2022 and 22.04.2022 the detenu addressed representations to the Advisory Board informing it about the withholding of information and documents requested in Exts.P12 and P13 and requesting to adjourn the hearing till he gets those information and documents. He further requested to furnish him with a copy of the para-wise comments submitted before the Advisory Board by the DG, CEIB.

3.13. After the Advisory Board submitted its opinion, the first respondent took the view that there were sufficient



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reasons for the continued detention of the detenu and thereupon confirmed the Detention Order under Section 8(f) of the COFEPOSA Act. The detenu under Section 10 of the Act was directed to be in detention for a period of one year from 06.03.2022, the date of his detention. A copy of the Confirmation Order issued on 24.05.2022 is Ext.P19. On 27.05.2022 the Deputy Secretary to the 1<sup>st</sup> respondent issued a Memorandum dated 27.05.2022 informing the detenu that his representation, Ext.P13 was rejected and a copy of the same is Ext.P20. It was served on the detenu on 28.05.2022 by email and by post on 02.06.2022.

4. The petitioner set out grounds (a) to (kkk) to attack Exts.P8 and P19 orders. On a concision of the grounds in the light of the submissions of the learned counsel appearing for the petitioner and the written note of arguments submitted by him, the grounds, broadly, are summarised as follows:

- i) Subjective satisfaction of the Detaining Authority has been vitiated for want of production of all the documents which are relevant in the matter;

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- ii) Inordinate delay occurred in execution of the Detention Order and that discredited the finding of the Detaining Authority that there is propensity and potentiality for the detenu indulging in smuggling activities, abetting the smuggling of goods and dealing in smuggled goods, necessitating his detention;
- iii) The Sponsoring Authority did not produce necessary documents before the Advisory Board, namely, the representation submitted by the detenu; and
- iv) Right of the detenu to make representation before the Detaining Authority and the Government was scuttled due to non supply of materials/documents demanded by the detenu whereby he was denied his right guaranteed under Articles 14, 21 and 22(5) of the Constitution of India.

5. Respondents No.1 and 2 filed a counter affidavit wherein the contention and allegations of the petitioner are denied. It is contended that every document which is relevant has been considered by the Detaining Authority and subjective satisfaction was arrived at on the basis of necessary and sufficient materials. Detention order could not be executed in time solely because the detenu evaded the process of law. He was abroad. He reached India not through

a proper channel for travel. He came to India along the Nepal border whereby he could conceal himself from the notice of the authorities and bypass the look out circular issued against the detenu. He did not appear before the authorities, despite issuing the look out circular. He hid himself and kept aloof. He created documents to camouflage that he has been available in the station. The authorities had taken all possible steps to arrest him but it was not possible since he was absconding. It is incorrect that the representation of the detenu was not placed before the Advisory Board. The documents demanded by the detenu were not relied upon documents. Totally irrelevant documents were asked for. Screenshots of the whatsapp chats of Sri.Biju V. Joy alone were obtained by the revenue officials. No audio chats were retrieved or relied upon by the Detaining Authority. Accordingly, these respondents contended that there is no reason to interfere with Exts.P8 and P19 orders.

5.1. The 3<sup>rd</sup> respondent also filed a counter affidavit. The contentions are more or less the same as that of

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respondent Nos.1 and 2. It is further contended that steps under Section 7(1) of the COFEPOSA Act were initiated against the detenu, but he evaded the process of law.

6. The petitioner filed a reply affidavit in answer to the affidavits filed by respondent Nos.1 to 3.

7. Heard the learned counsel appearing for the petitioner, the learned Central Government Pleader for respondent Nos.1 and 2, Deputy Solicitor General of India for respondent No.3 and the learned Government Pleader for respondent Nos.5 to 7. The relevant files were made available for our perusal.

Ground No.i) Subjective satisfaction of the Detaining Authority has been vitiated for want of production of all the documents which are relevant in the matter.

8. The 2<sup>nd</sup> respondent in exercise of the powers under section 3(1) of the COFEPOSA Act issued Ext.P8. It was ordered that the detenu Sri.Abdul Raof would be detained and kept in central jail, Poojappura, Thiruvananthapuram. The 2<sup>nd</sup> respondent recorded satisfaction that the detenu would again indulge in activities of smuggling of goods, abetting the

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smuggling of goods and engaging in transporting or concealing or keeping smuggled goods. The learned counsel appearing for the petitioner would submit that the subjective satisfaction arrived at by the Detaining Authority is vitiated since all documents and materials having relevance and serious impact in the matter were not considered. It is submitted that the documents, particularly whatsapp audio chats between the detenu and Sri.Biju V Joy, who is one of the co-accused in the crime relating to the smuggling of gold in question, on the days preceding the day of seizure ie., 20.04.2021 and also the orders remanding Sri.Althaf M.M, Sri.Muhammed Ali K.T, Sri.Abdulla S.S and Sri.Biju V.Joy who were the co accused, were not produced before the Detaining Authority. It is the submission of the learned Counsel for the petitioner that had those documents/materials been produced, the 2<sup>nd</sup> respondent would not have arrived at such a subjective satisfaction against the detenu. It is further submitted that by withholding those documents the Sponsoring Authority violated the mandate of Article 22(5) of

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the Constitution of India and that resulted in infringement of rights of the detenu under Articles 14 and 21 as well.

9. In **Motilal Jain v. State of Bihar [AIR 1968 SC 1509]** a Six-Judge Bench of the Apex Court held that individual liberty is a cherished right, one of the most valuable fundamental rights guaranteed by our Constitution to the citizens of this country. If that right is invaded, excepting strictly in accordance with law, the aggrieved party is entitled to appeal to the judicial power of the State for relief. It further held that the interest of the society is no less important than that of the individual and our Constitution has made provision for safeguarding the interests of the society. Its provisions harmonise the liberty of the individual with social interest. The authorities are obliged to act solely on the basis of those provisions and they cannot deal with the liberty of the individual in a casual manner.

10. In **Kamleshkumar Ishwardas Patel v. Union of India [(1995) 4 SCC 51]** a Constitution Bench of the Apex Court held that although the harmful consequences of

the activities in which the detenus are alleged to be involved is a matter of concern, while discharging constitutional obligation to enforce the fundamental rights of the people, more especially the right of personal liberty, the court cannot allow it to be influenced by such considerations. It has been said that the history of liberty is the history of procedural safeguards. The Framers of the Constitution being aware that the preventive detention involves a serious encroachment on the right to personal liberty, took care to incorporate, in Clauses (4) and (5) of Article 22, to ensure minimum safeguards for the protection of persons sought to be preventively detained. These safeguards are therefore required to be "zealously watched and enforced by the court".

11. The learned Counsel appearing for the petitioner would submit that the Constitutional mandate being so, the detenu need only to point out the illegality of the detention order, and not necessary for him to establish any and every flaw in that order. Whether the subjective satisfaction arrived at by the Detaining Authority was on the basis of sufficient

and reliable materials is a matter to be convinced by the Detaining Authority. When the question is whether the order of detention satisfies the requirements of Section 3(1) of the COFEPOSA Act and Article 22(5) of the Constitution of India is cropped up, the burden to answer the question to the satisfaction of the court is on the respondents.

12. In **Icchu Devi Choraria v. Union of India [(1980) 4 SCC 531]** the Apex Court held that when a rule is issued, it is incumbent on the detaining authority to satisfy the court that the detention of the petitioner is legal and in conformity with the mandatory provision of the law authorising such detention. It has also been insisted by this court, in answer to this rule, the detaining authority must place all the relevant facts before the court which should show that the detention is in accordance with the provisions of the Act. The burden of proof to show that the detention is in accordance with the procedure established by law has always been placed by this court on the detaining authority because Article 21 of the Constitution provides in clear and



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explicit terms that no one shall be deprived of his life or personal liberty except in accordance with procedure established by law.

13. The parameters for arriving at the subjective satisfaction have been delineated by the Apex Court in **Gurdev Singh v. Union of India [(2002) 1 SCC 545]**. It was held that the subjective satisfaction arrived at by the Detaining Authority shall be on consideration of all the relevant materials placed before it by the Sponsoring Authority. In that case, the detainee had no case that the Sponsoring Authority did not place before the Detaining Authority any material in its possession which is relevant and material and if considered by the Detaining Authority, might have resulted in taking a different view in the matter. The contention was that the Detaining Authority should have taken further steps before being satisfied that a case for detention under the COFEPOSA Act has been made out against the detenu. The Apex Court observed that whether the detention order suffers from non application of mind by the Detaining

Authority is not a matter to be examined according to any straight jacket formula or set principles. It depends on the facts and circumstances of the case, the nature of the activities alleged against the detenu, the materials collected in support of such allegations, the propensity and potentiality of the detenu in indulging in such activities, etc. The Act does not lay down any set parameters for arriving at the subjective satisfaction by the Detaining Authority. It was accordingly held that keeping in view the purpose for which the enactment is made and the purpose it is intended to achieve, the Parliament in its wisdom, has not laid down any set standards for the Detaining Authority to decide whether an order of detention should be passed against a person. The matter is left to the subjective satisfaction of the Competent Authority.

14. In **A. Sowkath Ali v. Union of India [(2000) 7 SCC 148]** the Apex Court considered the question whether withholding of a retraction statement where confession statement is produced would vitiate the decision of the Detaining Authority. The Apex Court held in Paragraph No.20

of the said decision thus:

"20. There can be no doubt, it was not necessary, while considering the case of the petitioner-detenu, to place all or any of the document which is relevant relied in the proceedings of a co-accused, but where the Sponsoring Authority opts out of his own volition to place any document of the other co-detenu, not merely as a narration of fact but reiterating in details the confession made by him, then it cannot be said it would not prejudice the case of the detenu. If this has been done it was incumbent for the Sponsoring Authority to have placed their retraction also. xxxxx What was the necessity of reproducing the details of the confessional statement of another co-accused in the present case? If the Sponsoring Authority would not have placed this then possibly no legal grievance could have been made by the detenu. But once the Sponsoring Authority having chosen to place the confessional statement, then it was incumbent on it to place the retraction also made by them. In our considered opinion, its non-placement affects the subjective satisfaction of the Detaining Authority. This Court has time and again laid down that the Sponsoring Authority should place all the relevant documents before the Detaining Authority. It should not withhold any such document based on his own opinion. All documents, which are relevant, which have bearing on the issue, which are likely to affect the mind of the

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Detaining Authority should be placed before him. Of course a document which has no link with the issue cannot be construed as relevant.”

15. As held by the Apex court whether the documents allegedly withheld by the Sponsoring Authority, want of which is said to have vitiated the detention order, is a question to be decided in the facts and circumstances of each case. The contention of the petitioner is that although the Sponsoring Authority produced the screenshots from the mobile phone of Sri.Biju V. Joy, failed to produce voice chats sent to the detenu on 19.04.2021 and nearby dates. It is contended that those voice chats, if produced, would have established the innocence of the detenu. The learned counsel thus would contend that the findings of the Detaining Authority that the propensity of the detenu indulging in continuous smuggling activities was established is vitiated. Similarly it is contended that the orders dated 21.04.2021 and 04.05.2021 of the Additional Chief Judicial Magistrate (Economic Offences), Ernakulam were not produced and that also vitiated the subjective satisfaction arrived by the Detaining Authority.

16. Ext.P9 is the grounds on which Ext.P8 detention order was issued. The statements of not only the co accused, Sri.Althaf A.M., the passenger in whose baggage the contraband was carried, but also Sri.Muhammed Ali K.T., Sri.Abdulla S.S. and Sri.Biju V. Joy, are the materials essentially seen relied on by the Detaining Authority to arrive at the subjective satisfaction. It is true that they have retracted the said statements. The empowered officer of the revenue intelligence sent rebuttal letters in regard to such retraction. After releasing on bail also those persons gave statements confirming their earlier statements.

17. The learned counsel appearing for the petitioner at this juncture raised a contention that the co accused after their arrest were produced before the Magistrate only through video whatsapp call and therefore they could not complain that under threat and coercion statements were extracted from them. It is alleged that they did not realise even that they really were produced before a Magistrate. How can the detenu, who resorted to the excuse of Covid restrictions not to

appear before the investigating officer in spite of receipt of summons, complain that his co accused were produced before the Magistrate only through video conferencing, a practice which was in vogue due to Covid related restrictions throughout the country. Similarly, there is no basis for his contention that the co accused could not realise that they were being produced before the Magistrate. That is a fact not in his direct knowledge. In the absence of any material that contention has no legs to stand.

18. Besides the statements of the co-accused, statements of Sri.Abdul Jaseed and Sri.Abeez Faizal in whose baggage gold was transported at the instance of the detenu on previous occasions were also produced before the detaining authority. The documents regarding money transaction between Sri.Biju V. Joy and other co accused were part of relied upon documents. Those documents got confirmation from various other documents and circumstances. Sri.Biju V.Joy was the customs agent who cleared the baggage of not only Sri.Althaf, the passenger in

the present case, but also three passengers in whose baggage gold was transported earlier. The communications between him and the detenu and also documents pertaining their travel placed on record before the detaining authority give support to those facts. On going through the grounds of detention and the relied upon documents, it can be seen that materials sufficient to arrive at a finding regarding involvement of the detenu in the repeated activities of smuggling of gold to India were produced before the Detaining Authority. When such materials were available on record, the contention that audio clippings in the Whatsapp chats between the detenu and Sri.Biju V.Joy and two remand orders of the Magistrate, which never reached in the possession of the Sponsoring Authority, vitiated the subjective satisfaction of the detaining authority is not able to be appreciated.

19. Exts.P17 and P18 are the explanations submitted by the detenu before the Advisory Board. One of the specific contentions taken up in Ext.P17 was that the detenu had

requested the Detaining Authority and the Government information, materials which were required for him to submit effective explanation and representations. He requested postponement of proceedings also on that ground. The Advisory Board considered the said contention and rendered its opinion without waiting for such documents. The Board concluded that there was sufficient materials to justify the detention even in the absence of such documents and materials.

20. As held by the Apex Court in **Ankit Ashok Jalan v. Union of India [(2020) 16 SCC 127]** the qualitative examination of the detention order is the responsibility of the Advisory Board. When the matter concerning the detenu was considered the Advisory Board did not consider such additional documents were necessary for the Detaining Authority to reach a subjective satisfaction that the detenu was liable to be detained. That would further establish that the petitioner's challenge that Ext. P8 detention order is vitiated for want of such additional documents is untenable.



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Ground No.ii) The inordinate delay occurred in execution of the Detention Order and that discredited the finding of the Detaining Authority that there is propensity and potentiality for the detenu indulging in smuggling activities, abetting the smuggling of goods and dealing in smuggled goods, necessitating his detention.

21. On 20.04.2021 the co-accused of the detenu were arrested. The detenu was then in Dubai. He received the summons issued by the DRI through the Consulate General of India on 27.07.2021. He did not appear. Instead, on 02.08.2021 he sent a letter stating that he could not travel from the UAE because of Covid situation. His statement could not, therefore, be recorded and the proceedings were completed with the available materials. Ext.P8 Detention Order was accordingly passed on 24.08.2021.

22. It is the contention of the detenu that he returned to India on 29.12.2021 after taking care of his businesses in Nepal. He reached New Delhi by road and from New Delhi to Kochi by air on 29.12.2021. The detenu claims that on 31.12.2021 he addressed Exts.P1 and P2 letters to the Director General, CEIB and the Detaining Authority querying if any detention order had been issued against him. But there

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was no response. He therefore, on 04.02.2022 addressed Exts.P3 and P4 to them, but that also evoked no response.

23. The respondents contended that the documents now projected by the detenu are engineered by him to support his false claim that he was available at his residence, but in reality he was hiding. It is further contended that on 11.02.2022 a notification under Section 7(1)(b) of the COFEPOSA Act was published in the Official Gazette requiring the detenu to surrender before the 6<sup>th</sup> respondent. The petitioner, in answer to that, would contend that the respondents did not state in the counter affidavits about the issuance of the notification and therefore that plea raised by them now only cannot be reckoned with. The learned counsel for the petitioner would contend that if the detenu knew about the notification, he would not have sent Exts.P5 and P6 reminders referring to Exs.P1 and P2 to the Director General, CEIB and the Detaining Authority.

24. The learned Counsel for the petitioner accordingly would contend that no plausible explanation is offered by

respondents 1 to 3 or respondents 6 and 7 as to why the detenu was not arrested till 05.03.2022 on which date he was arrested from his house at Kothamangalam and non-explanation of the delay throws considerable doubt on the genuineness of the subjective satisfaction of the Detaining Authority. It is also contended that such unexplained and inordinate delay entails an inevitable assumption that the live and proximate link between the reason for detention and the purpose of detention is snapped.

25. In **Sk.Serajul v. State of West Bengal [1975] 2 SCC 78]** a Four-Judge Bench of the Apex Court held that if there is any delay in making the Order of detention or in arresting the detenu which is prima facie unreasonable, the State must give reason explaining the delay. In **Bhawarlal Ganeshmalji v. State of Tamil Nadu [(1979) 1 SCC 465]**, the Apex Court followed and explained that principle. It was held that there must be a live and proximate link between the grounds of detention alleged by the Detaining Authority and

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the purpose of detention, namely, the prevention of smuggling activities. The link would be treated as snapped if there is a long and unexplained delay between the date of the order of detention and the arrest of the detenu. In such a case the order of detention may have to be struck down unless the grounds indicate a fresh application of the mind of the Detaining Authority to the new situation and the changed circumstances. It was also held that where the delay is not only adequately explained but is found to be the result of the recalcitrant or refractory conduct of the detenu in evading arrest, there is warrant to consider the 'link' not snapped but strengthened.

26. The aforesaid view was reiterated in **Abdul Rahman v. State of Kerala [(1989) 4 SCC 741]**, **SMF Sultan Abdul Kader v. Joint Secretary to the Government of India [(1998) 8 SCC 343]** and **Manju Ramesh Nahar v. Union of India [(1999) 4 SCC 116]**. Again in **Naresh Kumar Goyal v. Union of India [(2005) 8 SCC 276]** a Three-Judge Bench of the Apex Court emphasised

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that view. It was held that inordinate delay, for which no adequate explanation is furnished leads to the assumption that the live and proximate link between the Ground of Detention and the purpose of detention is snapped. The same was the view taken by the Apex Court in **Mukesh Tikaji Bora v. Union of India [(2007) 9 SCC 28]** and **Saeed Zakar Hussain Malik v State of Maharashtra [(2012) 8 SCC 233]**. The principle, therefore, is that unexplained and inordinate delay in executing the detention order leads to an inference that the live and proximate link between the reason for the detention and the purpose of detention is snapped and therefore the order of detention becomes invalid. The question immediately arises is whether the respondents could substantiate that there is sufficient explanation for the delay in executing the detention order. The detention order was issued on 24.08.2021. The detenu was admittedly abroad till 29.12.2021. He was arrested on 05.03.2022. Hence the explanation required is for the period from 29.12.2021 till 05.03.2022.

27. In **Syed Farooq Mohammad v Union of India [(1990) 3 SCC 537]** the facts were that two notices were served, one on the detenu's mother and another on the petitioner's brother directing the petitioner to appear before the Detaining Authority. The petitioner has intentionally absconded and thereby evaded arrest. It was held that, in such circumstances, the delay was properly explained and the link between the grounds of detention and the avowed purpose of detention has not been snapped.

28. In **Waheeda Ashraf and others v. Union of India and others [ILR 2021 (3) Ker.751]**, this Court relied on the principle of law laid down by the Apex Court in **Malwa Shah v. State of West Bengal [(1974) 4 SCC 127]** and **Mukesh Tikaji Bora v. Union of India [(2007) 9 SCC 28]**. It was held that, insofar as an absconding detenu is concerned, the live link between the incident and the purpose of detention was not snapped but strengthened on account of the conduct of the detenu.

29. As pointed out above Ext.P8 detention order was issued on 24.08.2021. Indisputably, the detenu was abroad at that time. During the proceedings leading to Ext.P8, a summons was issued to the detenu on 23.04.2021, to which he replied that he was abroad and therefore he was unable to appear in person before the authorities. The co-accused in the case, Sri.Muhammad Ali. K.T is his father-in-law and Sri. Abdulla S.S is his brother. Both of them were detained in connection with this incident. He had received show cause notice in the adjudication proceedings. In the circumstances, it cannot be said that the detenu was not aware of the proceedings going on against him. The detenu had come to India on 29.12.2021. He did not travel by air across the border. He went to Nepal, from where he travelled by bus to cross the border and reached India. It is his contention that from Delhi international airport he travelled to Kerala and therefore it cannot be said that he tried to conceal himself.

30. A lookout circular was issued for procuring the presence of the detenu. When all his co-accused were

detained, and a summons to attend before the Investigating Officer and show cause notice in the detention proceedings were already received by the detenu, the intention behind his avoiding travel by air to India was obvious. He wanted to bypass the immigration screening. The contention of the respondents in this regard is sound and acceptable.

31. It is the contention of the detenu that after coming back home, he has been available at his residence at Nellikuzhi, Kothamangalam in Ernakulam district. He has produced Exts.P21 to P26 to substantiate that he was physically available at his residence and the authorities did not make any effort to apprehend him. The clandestine nature of these documents is evident on a perusal of those documents. EXT.P26 is a rent agreement entered into between himself and his mother. What was the purpose of entering into such a rent agreement by the detenu for him to live in his mother's residence. The facts that he underwent Covid test in a laboratory, that he maintains an account in a bank at Kothamangalam, and he went to court to sign a bail



bond are not sufficient indications to show that he has been permanently residing at his own residence and available for being apprehended.

32. He produced Exts.P1 to P6 to show that he was available at his residence. But, only due to the lethargy on the part of the authorities, the detention order was not executed. Those letters were sent in the name of the detenu. He signed the letters and hence he personally might have sent them also. The postal receipts affixed on Exts.P1 and P2 would show that not from the post office where he claimed to have been residing, but from a different post office, those letters were sent. Be that as it may, those documents would not show that he was available at his residence for being intercepted by the revenue authorities or the police.

33. It may be noted that the 2<sup>nd</sup> respondent published the order of detention in the official gazette dated 11.02.2022. It was a notice asking the detenu to appear before the police for the execution of the detention order.

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Invoking the provisions of Section 7(1)(b) of the COFEPOSA Act, such a notification was published. The detenu would contend that he was not aware of such gazette notification and the respondents did not state the particulars of that notification in their counter affidavit. That is not correct. It is stated in the counter affidavit filed by respondents 1 and 2 that repeated summons were sent to the detenu and steps under Section 7(1)(b) of the COFEPOSA Act was taken, but the detenu did not turn up.

34. A person residing in India cannot resort to a contention that he was not aware of the gazette notification. Although the notification was published on 11.02.2022, the detenu did not surrender nor could he be arrested until 05.03.2022. A person who was given summons and show cause notices to appear before the authorities and, as admitted in Ext.P1 dated 31.12.2021, aware of the detention of his brother and father-in-law in relation to the same incident cannot take shelter to a contention that he did not know about the gazette notification.

35. The Apex Court in **Kartarey and others v. The State of Uttar Pradesh [(1976) 1 SCC 172]** held that to be an 'absconder' in the eye of law, it is not necessary that a person should have run away from his home, it is sufficient if he hides himself to evade the process of law, even if the hiding place be his own home.

36. In **Union of India v Chaya Ghoshal [(2005) 10 SCC 97]** the Apex Court held:

“16. Where, however, a person alleging infraction of personal liberty tries to act in a manner which is more aimed at deflecting the course of justice than for protection of his personal right, the Court has to make a deliberate balancing of the fact situation to ensure that the mere factum of some delay alone is made use of to grant relief. If a fraud has been practiced or perpetrated that may in a given case nullify the cherished goal of protecting personal liberty, which obligated this Court to device guidelines to ensure such protection by balancing individual rights and the interests of the nation, as well.”

37. Observation of an Honourable Judge of the Apex Court in the concurring judgement of the majority in **Subhash Popatlal Dave v. Union of India and another [(2014) (1)**

**SCC 280]** is also relevant here. It says,

“98. Therefore, I am of the opinion that those who have evaded the process of law shall not be heard by this Court to say that their fundamental rights are in jeopardy. At least, in all those cases, where proceedings such as the one contemplated under Section 7 of the COFEPOSA Act were initiated consequent upon absconding of the proposed detenu, the challenge to the detention orders on the live nexus theory is impermissible. Permitting such an argument would amount to enabling the law breaker to take advantage of his own conduct which is contrary to law.”

38. On considering the facts of the case in the light of the law laid down in the aforesaid decisions, we conclude that the contention of the petitioner that the delay in execution of Ext.P8 detention order resulted in invalidating the same is untenable and rejected.

Ground No.iii) The Sponsoring Authority did not produce necessary documents before the Advisory Board, namely, the representation submitted by the detenu.

39. The detenu submitted Ext.P12 representation before the Director General, Central Economic Intelligence Bureau, Government of India, New Delhi and Ext.P13 before the Joint

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Secretary, COFEPOSA, Government of India, New Delhi. The petitioner would allege that those representations along with parawise comments thereon were not submitted before the Advisory Board and therefore the detention order gets vitiated.

40. In **K.M. Abdulla Kunhi and B.L. Abdul Khader v. Union of India [(1991) 1 SCC 476]**, a Constitution Bench of the Apex Court held that the representation may be received before the case is referred to the Advisory Board, but there may not be time to dispose of the representation before referring the case to the Advisory Board. In that situation the representation must also be forwarded to the Advisory Board along with the case of the detenu. The representation may be received after the case of the detenu is referred to the Board. Even in this situation the representation should be forwarded to the Advisory Board provided the Board has not concluded the proceedings.

41. In **Ankit Ashok Jalan v Union of India [(2020) 16 SCC 127]** a Three-Judge Bench of the Apex Court

explained the rationale of the law laid down in **Abdulla Kunhi** (supra) and the majority decision on the above aspect is as follows:

- "A) If the representation is received well before the reference is made to the Advisory Board and can be considered by the appropriate Government, the representation must be considered with expedition. Thereafter the representation along with the decision taken on the representation shall be forwarded to and must form part of the documents to be placed before the Advisory Board.
- B) If the representation is received just before the reference is made to the Advisory Board and there is no sufficient time to decide the representation, the representation must be decided first and thereafter the representation and the decision must be sent to the Advisory Board. This is premised on the principle that the consideration by the appropriate Government is completely independent and also that there ought not to be any delay in consideration of the representation.
- C) If the representation is received after the reference is made but before the matter is decided by the Advisory Board, the representation must be decided. The decision as well as the representation must thereafter be immediately sent to the Advisory Board.
- D) If the representation is received after the decision

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of the Advisory Board, the decisions are clear that in such cases there is no requirement to send the representation to the Advisory Board.”

42. The aforesaid principles were affirmed by the Apex Court in **Sarabjeet Singh Mokha v District Magistrate, Jabalpur and others [2021 SCC OnLine 1019]**.

43. It is seen from Ext.P15 that the Detaining Authority considered Ext.P12 representation and rejected the same on 07.04.2022. Ext.P15 was submitted before the COFEPOSA Advisory Board vide letter addressed to the Secretary of the Board dated 07.04.2022. It is seen that Ext.P13, the representation submitted to the Government along with the para-wise comments were also submitted before the Advisory Board as per the same letter dated 07.04.2022. Ext.P16 produced by the petitioner is a copy of that letter. Of course, Ext. P12 was not seen submitted although the order rejecting it was submitted. When Ext.P13, the representation submitted to the Government along with the para-wise comments and Ext.P15 the order rejecting Ext.P12 representation were submitted before the Advisory Board, non-production of

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Ext.P12 which is a similar representation has no relevance. That cannot have the effect of vitiating the whole process and the contention of the petitioner in that regard has no merits.

Ground No.iv) Right of the detenu to make representation before the Detaining Authority and the Government was scuttled due to non supply of materials/documents demanded by the detenu whereby his right guaranteed under Articles 14, 21 and 22(5) of the Constitution of India was infringed.

44. Exts.P12 and P13 are the representations submitted by the detenu to the detaining authority and the Government. He requested in the said representations to supply the following documents:

- i) Audio chats between the detenu and Sri.Biju V.Joy retrieved and copied in a pen drive or a similar electronic gadget from the mobile phone of Sri.Biju V Joy.
- ii) Copies of orders remanding to Sri. Althaf, Sri.Muhammed Ali, Sri.Abdulla S.S and Sri.Biju V Joy on 21.04.2021 and 04.05.2021 by the Additional Chief Judicial Magistrate(Economic Offences), Ernakulam.
- iii) Copies of Exts.P2, P3 and P6 which are the letters sent by the detenu himself to the detaining authority and the Sponsoring Authorities on 31.12.2021, 04.02.2022 and 12.02.2022.



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- iv) Show cause notices for initiating adjudicating proceedings issued against the detenu and other persons.
- v) Reply sent to such show cause notices by such other persons.

45. The nature and extent of right to representation under Article 22(5) of the Constitution of India has been a subject for serious deliberation for long. In **State of Bombay v. Atma Ram Sridhar Vaidya [AIR 1951 SC 157]** a Six-Judge Bench of the Apex Court held that;

“In our opinion, it is therefore clear that while there is a connection between the obligation on the part of the detaining authority to furnish grounds and the right given to the detained person to have an earliest opportunity to make the representation, the test to be applied in respect of the contents of the grounds for the two purposes is quite different. As already pointed out, for the first, the test is whether it is sufficient to satisfy the authority. For the second, the test is whether it is sufficient to enable the detained person to make the representation at the earliest opportunity.”

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46. The learned counsel appearing for the petitioner placed before us the following decisions also where the aforesaid principle was followed and explained in:

- i. **Puranlal Lakhanpal v. Union of India [AIR 1958 SC 163]**
- ii. **Naresh Chandra Ganguli v. State of West Bengal [AIR 1959 SC 1335]**
- iii. **Motilal Jain v. State of Bihar [AIR 1968 SC 1509]**
- iv. **Bhawarlal Ganeshmalji v. State of Tamil Nadu [(1979) 1 SCC 465]**

47. As to the right to get the documents a Constitution Bench of the Apex Court in **State of Punjab v. Jagdev Singh Talwandi [(1984) 1 SCC 596]** held that if the order of detention refers to or relies upon any document, statement, or other material, copies thereof have, of course, to be supplied to the detenu.

48. Relying on **Powanammal v. State of Tamil Nadu and another [(1999) 2 SCC 413]**, which is a Three-Judge Bench decision of the Apex Court, the learned Central Government Counsel contended that the detenu has the right to get documents which have not been relied upon in the

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Grounds of Detention only if such documents have live proximity to the detention and relevance to the grounds for detention. The learned counsel for the petitioner would submit that when the detenu demands documents, which in his estimation, are required for his making an effective representation, non-supply of the same would fail his right guaranteed under Articles under not only 22(5) but also 14 and 21 of the Constitution of India. Reliance has been made in this regard on the decision in **Kamla Kanyalal Kushlani v. State of Maharashtra [(1981) 1 SCC 478]** where the Apex Court held that preventive detention has to conform to Articles 14 and 21 in addition to Article 22(5) of the Constitution of India.

49. **In Ramachandra A. Kamat v. Union of India [(1980) 2 SCC 270]** a Three-Judge Bench of the the Apex Court held that it is the duty of the Detaining Authority to satisfactorily explain the delay, if any, in furnishing of the documents. It was explained that the Court did not mean thereby the statements and documents not referred to in the

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grounds of detention for, it may be that they are not in the possession of the Detaining Authority and that reasonable time may be required for furnishing copies of the relevant documents, which may not be in his possession. The intention is therefore clear that the statements and documents which are referred to in the grounds of detention and which are required by the detenu and are expected to be in possession of the Detaining Authority should be furnished with reasonable expedition. In paragraph No.10 it was held:

"It may not be necessary for the detaining authority to supply copies of all the documents relied upon in the grounds of detention at the time when the grounds are furnished to the detenu but once the detenu states that for effective representation it is necessary that he should have copies of the statements and documents referred to in the grounds of detention, it is the duty of the detaining authority to furnish them with reasonable expedition." (underline supplied)

50. The learned counsel appearing for the petitioner would submit that decision of a co-equal Bench of this Court wherein legality of detention orders relating to the co-

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accused, Sri.Muhammed Ali K.T, Sri.Abdulla S.S and Sri.Biju V Joy which is reported in **Nushath Koyamu v. Union of India and others [2022(3) KLT 885]** has a binding bearing in this case. This Court, after taking into account the principle of law laid down in a long line of decisions of the Apex Court held that non-supply of audio chats in electronic form seen in the print out of the screenshots taken from the mobile phone of Sri.Biju v Joy has prejudicial effect on the right of the detainees and that amounted to violation of Article 22(5) of the Constitution of India. The Court accordingly held their detention orders illegal. The learned counsel for the petitioner would submit that the said decision being *inter partes*, has to be followed and this Writ Petition allowed.

51. It may be noted that in **Nushath Koyamu** (supra) this court observed in paragraph No.19 that the decisions relied on by the respondents were rendered in different set of facts and therefore could not be acted upon. That implies that the applicability or not of the decisions on the point has to be considered independently and in the light of the facts of

each case. Needless to say that a decision is an authority for what it decides.

52. The decision in **Nushath Koyamu** (supra) cannot be said *inter partes*. It is true that one of the detenus therein was represented by the petitioner in this case. Detenus are different. The matters in issue in **Nushath Koyamu** were regarding the legality of the orders of detention of Sri.Muhammed Ali K.T, Sri Abdulla S.S and Sri Biju V Joy. On a reading of the said decision, it is seen that all relating to the same incident, but grounds for the detention of different persons are different. The detenu Sri.Abdul Raof was the person who contracted with the passenger Sri.Althaf and sent the baggage from Dubai to India. If so, he is the person who said to have personally involved in originating the consignment, whereas the other detenus were part of the contingent who said to have dealt with the consignment in India. Therefore the reasons for detention of Sri.Abdul Raof cannot be equated with the reasons for detention of the other detenus. In that view of the matter, the facts of **Nushath Koyamu** (supra) and this case are different.

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Hence the principle in **Nushath Koyamu** is not applicable to the facts of this case.

53. In **J. Abdul Hakeem v. State of Tamil Nadu and others [(2005) 7 SCC 70]** the Apex Court held that the detenu has a right to be supplied with the material documents on which the reliance is placed by the Detaining Authority for passing the detention order but the detention order will not be vitiated, if the document although referred to in the order is not supplied which is not relied upon by the detaining authority for forming its opinion or was made basis for passing the order of detention. Crux of the matter lies in whether the detenu's right to make a representation against the order of detention, is hampered by non-supply of the particular document.

54. In **Kirti Kumar Chamanlal Kundaliya v. Union of India [(1981) 2 SCC 436]** it was held that the question as to whether the materials supplied are sufficient to enable the detenu making an effective representation, which is a right guaranteed under the Constitution, will depend upon the

facts of each case. There is no charm in the expressions "relied on", "referred to", or "based upon" documents. The Court proceeded to hold that the detenu has the right to receive all documents which are relied upon in the grounds of detention and such other documents/materials which are necessary to enable him to make an effective representation against the order of detention.

55. As could be seen from **Ramachandra A.Kamath** (supra), the detenu has a right to get, apart from the relied upon documents, the documents which are referred to in the grounds and not already furnished to the detenu, if demanded to. It was explained that the detenu was entitled to ask for copies of statements and documents referred to in the grounds of detention for enabling him to make an effective representation. Once the detenu makes a request for such relevant documents, he has to be furnished the same. On the delay aspect, it was explained that the documents claimed by the detenu stating that those are referred to in the grounds of detention may not be in the possession of the detaining



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authority and in such a situation, the authority may take reasonable time to make available such documents. The Apex Court, however, emphasised that the obligation of the authority is only to provide copies of those documents, which are relevant. This principle of law is explained by the Apex Court in **Kirit Kumar Chaman Lal Kundaliya** and **J.Abdul Hakeem** (supra) is essentially the same. Therefore the right of the detenu to demand relevant documents, besides the relied upon documents, is now well recognised in law.

56. The question is whether the detenu can ask for any and every document. After referring to the previous decisions where the aforesaid principle was laid down, the Apex Court in **Powanmal** (supra) held that every document and materials which finds a passing reference in the course of narration of facts in the ground of detention need not be supplied. But such documents, non-supply of which would prejudice the detenu in making an effective representation are to be supplied to him. The reason is that non-supply of such documents would amount to denial of the right of being communicated the grounds and being

afforded the opportunity of making effective representation against the detention order.

57. The learned counsel appearing for the petitioner brought to our attention a few decisions of both the Apex Court and different High Courts, where the question, whether non supply of various documents amounted to denial of the right of the detenu having the effect of vitiating the order of detention, was considered. We do not propose to deliberate upon those decisions since those are decisions on facts and no proposition of law different from what has been enunciated in the aforesaid decisions was evolved.

58. In **Ankit Ashok Jalan v. Union of India and others [2020 (16) SCC 127]** the Apex Court held that the consideration for revocation of a detention order is limited to examining whether the order conforms with the provisions of law whereas the recommendation of the Advisory Board is on the sufficiency of material for detention, which alone is either confirmed or not accepted by the appropriate Government. Therefore the detenu cannot be heard to contend that the

documents which were not placed before the detaining authority and found not to have a vitiating effect on the subjective satisfaction of that authority should have been supplied to the detenu.

59. In the above background only demand of the detenu for the documents can be considered. The grievance of the petitioner is about non-supply of five items of documents enumerated in paragraph No.43 above. Those are not relied upon documents. No reference to document No. 1, recording of audio chats between the detenu and Sri. Biju V Joy is there in the grounds of detention. Item No.3, Exts.P2, P3 and P6 are post detention order documents and there could not be any mention of them in the grounds of detention. The other three documents do have casual mentioning, but the Detaining Authority did not rely on them. Of course, the learned counsel appearing for the petitioner would submit that the audio chats between Sri.Biju V. Joy and the detenu are referred documents inasmuch as those audio clippings are reflected in the screenshots retrieved from the mobile phone

which are relied upon documents. It is not so. Although the audio chats reflect in the screen shots, the same have never been mentioned or discussed by the Detaining Authority. The detenu herein is the person who had sent the consignments from Dubai. Statements recorded under Section 108 of the Customs Act of the co-accused and passengers in whose baggage gold was earlier imported, were considered by the Detaining Authority. There were other materials also. The retraction statements and rebuttal letters were all placed before the Detaining Authority. After considering all such materials, the Detaining Authority arrived at the subjective satisfaction and all such documents were furnished to the detenu. In such circumstances, the finding of this Court in **Nushath Koyamu** (supra) that the audio chats have relevance in the case of the detenus therein, cannot be followed in this case.

60. As far as the show cause notices sent the co-accused and their replies are concerned there is only passing reference in the grounds in support of Ext.P8 detention order.

In such circumstances, the detenu can resort to the plea of invalidity of the detention order for non-supply of those documents only if he substantiates that the non-supply caused prejudice to him. It is also his obligation to explain in what way those documents are relevant for his making representation.

61. Exts.P12 and P13 are the representations submitted by the detenu in which he made requests for those documents as well as Exts.P2, P3 and P6. The detenu did not state in what way those documents were relevant in the matter of his making representation. In this Writ Petition also, it is not explained how his right has been prejudiced as a result of non-supply of those documents. When Exts.P2, P3 and P6 were produced by him in this Writ Petition, his demand for those documents appears fallacious. In the case of documents which are relied upon by the Detaining Authority, it is the absolute right of the detenu to get copies within the time prescribed in Section 3(3) of the COFEPOSA Act. If the documents, which are discussed in the course of arriving at

the subjective satisfaction, are demanded, the authority is bound to furnish. But, if the documents/materials demanded have only a casual connection with the cause for the detention, the detenu shall explain the relevance and the prejudice that may cause to him if the documents are denied. The detenu did not state in what way such documents are relevant for him to make his representation and how the non-supply has affected his right to make a meaningful and effective representation. In such circumstances, his attack to the detention order on the ground of non-supply of documents also fails.

62. In conspectus, none of the grounds raised by the petitioner to challenge validity of Ext.P8 detention order and Ext.P19 confirmation order can be accepted. The Writ Petition therefore fails and the same is dismissed.

**Sd/-**

**ANIL K. NARENDRAN, JUDGE**

**Sd/-**

**P.G. AJITHKUMAR, JUDGE**

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APPENDIX OF WP(CRL.) 596/2022

PETITIONER EXHIBITS

- EXHIBIT P1            A TRUE COPY OF THE LETTER ADDRESSED BY THE DETENU TO THE DIRECTOR GENERAL OF THE CENTRAL ECONOMIC INTELLIGENCE BUREAU DATED 31.12.21
- EXHIBIT P2            A TRUE COPY OF THE LETTER ADDRESSED BY THE DETENU TO THE SECOND RESPONDENT DATED 31.12.21
- EXHIBIT P3            A TRUE COPY OF THE REMINDER LETTER SENT BY THE DETENU TO THE DIRECTOR GENERAL OF THE CENTRAL ECONOMIC INTELLIGENCE BUREAU DATED 4.2.22
- EXHIBIT P4            A TRUE COPY OF THE REMINDER LETTER SENT BY THE DETENU TO THE SECOND RESPONDENT DATED 4.2.22
- EXHIBIT P5            A TRUE COPY OF THE COMMUNICATION SENT TO THE DIRECTOR GENERAL OF THE CENTRAL ECONOMIC INTELLIGENCE BUREAU BY THE DETENU DATED 12.2.22
- EXHIBIT P6            A TRUE COPY OF THE REPRESENTATION SENT TO THE SECOND RESPONDENT BY THE DETENU DATED 12.2.22
- EXHIBIT P7            A TRUE COPY OF THE COMMUNICATION ISSUED TO THE DETENU BY THE SENIOR SUPERINTENDENT OF POST OFFICE, ALUVA DATED 25.3.22.
- EXHIBIT P8            A TRUE COPY OF THE DETENTION ORDER NO. PD-12001/15/2021-COFEPOSA ISSUED BY THE SECOND RESPONDENT DATED 24.8.21
- EXHIBIT P9            A TRUE COPY OF THE GROUNDS OF DETENTION [GOD] DATED NIL

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- EXHIBIT P10            A TRUE COPY OF THE TRUE LIST OF DOCUMENTS SERVED ON THE DETENU ALONG WITH EXHIBIT P - 9
- EXHIBIT P11            A TRUE COPY OF THE COMMUNICATION NO. PD-13001/01/2022-COFEPOSA            DATED 24.3.22.
- EXHIBIT P12            A TRUE COPY OF THE REQUEST FOR INFORMATION SENT BY THE DETENU TO THE DIRECTOR GENERAL OF THE CENTRAL ECONOMIC INTELLIGENCE BUREAU DT 5.4.22
- EXHIBIT P13            A TRUE COPY OF THE REQUEST FOR INFORMATION SENT BY THE DETENU TO THE SECOND RESPONDENT DATED 5.4.22
- EXHIBIT P14            A TRUE COPY OF THE REQUEST MADE BY THE DETENU TO THE CHAIRMAN OF THE FOURTH RESPONDENT DATED 5.4.22
- EXHIBIT P15            A TRUE COPY OF THE REQUEST MADE BY THE DETENU TO THE CHAIRMAN OF THE FOURTH RESPONDENT DATED 5.4.22
- EXHIBIT P16            A TRUE COPY OF THE COMMUNICATION PD-13001/01/2022-COFEPOSA ISSUED BY THE DIRECTOR (COFEPOSA) OF THE FIRST RESPONDENT THE TO THE SECRETARY OF THE FOURTH RESPONDENT DATED 7.4.22
- EXHIBIT P17            A TRUE COPY OF THE PETITION SUBMITTED BY THE COUNSEL FOR THE DETENU BEFORE THE FOURTH RESPONDENT DATED 7.4.22
- EXHIBIT P18            A TRUE COPY OF THE REPRESENTATION SENT BY THE DETENU TO THE FOURTH RESPONDENT DATED 22.4.22
- EXHIBIT P19            A TRUE COPY OF THE ORDER OF CONFIRMATION ISSUED BY THE FIRST



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RESPONDENT DATED 24.5.22.

- EXHIBIT P20            A TRUE COPY OF THE COMMUNICATION  
ISSUED BY THE DEPUTY SECRETARY TO THE  
FIRST RESPONDENT PD-15001/11/2022-  
COFEPOSA DATED 27.5.22
- EXHIBIT P21            A TRUE COPY OF THE TICKET SHOWING THE  
TRAVEL OF THE DETENU FROM DELHI TO  
COCHIN ON 29.12.21
- EXHIBIT P22            A TRUE COPY OF THE CERTIFICATE ISSUED  
BY THE INDUSIND BANK, PERUMBAVOOR  
DATED 22.2.22
- EXHIBIT P23            A TRUE COPY OF THE CASH RECEIPT
- EXHIBIT P24            A TRUE COPY OF THE RTPCR TEST RESULT  
DATED 29.1.22.
- EXHIBIT P25            A TRUE COPY OF THE BAIL BOND IN CR.  
NO. 6/21 OF THE EXCISE RANGE OFFICE,  
KUTTAMPUZHA
- EXHIBIT P26            A TRUE COPY OF THE RENT AGREEMENT  
ENTERED INTO BETWEEN THE DETENU AND  
SUBAIDA SULAIMAN AS NO. 623/1/2022