

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE S.SIRI JAGAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 30TH DAY OF APRIL 2012/10TH VAISAKHA 1934

WP(Cr1.).No. 182 of 2013 (S)

PETITIONER:

JOSEPH CHERIAN, AGED 43 YEARS
S/O. CHERIAN V.J., VALIYAVEETIL, GANDHI NAGAR P.O.
KOTTAYAM - 686 008.

BY ADVS.SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPLE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVT.SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT SUPERINTENDENT OF POLICE, KOTTAYAM-686 001.
3. THE SUB INSPECTOR OF POLICE,
GANDHI NAGAR POLICE STATION, KOTTAYAM - 686 001.
4. RAGESH KUMAR A.G., ADIVAKKAL, THEKKECHIRA,
KANJIRAM P.O., KOTTAYAM - 686 110.

R1-R3 BY ADV. DIRECTOR GENERAL OF PROSECUTION
R BY GOVERNMENT PLEADER, SMT.KOCHUMOL KADAVATH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
30-04-2012, ALONG WITH WPCR. 196/2013, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P.(C) NO.182/2013

APPENDIX

PETITIONER'S EXTS:

EXT.P1: COPY OF THE CERTIFICATE OF CONTINUANCE AND COMPREHENSIVE
EVALUATION ISSUED BY SCHOOL AUTHORITIES.

//TRUE COPY//

PA TO JUDGE

S.SIRI JAGAN & K.HARILAL, JJ.

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W.P.(Crl.)No.182 & 196 of 2013
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Dated this the 30th day of April, 2013

JUDGMENT

SIRI JAGAN, J.

W.P.(Crl)182/2013 is filed by the father of Ms.Sneha Anna Joseph, who is a minor aged 17 years. He has filed the writ petition alleging that the fourth respondent has abducted his minor daughter and therefore seeks the following reliefs:

(i) to issue a writ of Habeas Corpus commanding the respondents 1 to 4 to produce the body of the detenue, Ms. Sneha Anna Joseph, the daughter of the petitioner, before the Honorable Court;

(ii) to issue a writ of mandamus or any other appropriate writ, order or commanding the third respondent to arrest the fourth respondent and proceed against him for abduction of the minor daughter of the petitioner, Ms. Sneha Anna Joseph and also for such other offences punishable under the Indian Penal Code;

(iii) award to the petitioner the costs of these proceedings and;

(iv) to grant such other and further reliefs as are just, proper and necessary or may be prayed for.

2. W.P.(Crl.)196/2013 is filed by the father of the fourth respondent in the other writ petition. He has filed the writ petition alleging that his son is missing.

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3. Pursuant to directions issued by this Court, the Police has traced Ms.Sneha Anna Joseph and produced her before this Court, today. We have interacted with her. She admits that she is a minor aged 17 years. She also submits that she wants to go with her parents. Parents of Sneha Anna Joseph are also present in Court.

4. The Police submits that the fourth respondent in W.P.(Crl.) 182/13 is in judicial custody for the offence of abducting minor Ms. Sneha Anna Joseph.

5. In the above circumstances, counsel for the petitioner in W.P.(Crl.)196/13 submits that further proceedings are not necessary in that petition.

Accordingly, W.P.(C)182/13 is disposed of permitting the petitioner to take Ms.Sneha Anna Joseph with him and W.P.(Crl.)196/13 is closed recording the submission of the Police that Sri.Ragesh Kumar is in judicial custody on charges of a criminal offence connected with the abduction of minor Ms.Sneha Anna Joseph.

S.SIRI JAGAN, JUDGE

K.HARILAL, JUDGE