

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 6TH DAY OF JUNE 2024 / 16TH JYAISHTA, 1946

WP (CRL.) NO. 444 OF 2024

PETITIONER/S:

RAMYA K.R
AGED 36 YEARS
W/O ROJAN MATHEW,
KIZHAKKE KALAKKETTY,
KONDOOR, KOTTAYAM,
PIN - 686508
BY ADVS.
M.H.HANIS
P.M.JINIMOL
T.N.LEKSHMI SHANKAR
NANCY MOL P.
ANANDHU P.C.
NEETHU.G.NADH
CIYA E.J.

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT,
HOME AND VIGILANCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE
KOTTAYAM DISTRICT,
PIN - 691013
- 3 THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE,
COLLECTRATE P.O,
KOTTAYAM, PIN - 686002
- 4 THE CHAIRMAN
ADVISORY BOARD, KAAPA,
SREENIVAS, PADAM ROAD,
VIVEKANANDA NAGAR,
ELAMAKKARA, PIN - 682026

5 THE SUPERINTENDENT OF JAIL
CENTRAL JAIL, VIYYUR, PIN - 670004
BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
ADDL.DIRECTOR GENERAL OF PROSECUTION (AG-11)
ADDL. STATE PUBLIC PROSECUTOR (AG-28)
SRI.K.A.ANAS, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 06.06.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

A.Muhamed Mustaque, J.

The petitioner is the wife of the detenu. The petitioner challenges the detention order under the Kerala Anti-Social Activities (Prevention) Act, 2007. The detenu is involved in the following seven crimes;

Sl. No.	Police Station	Crime No.	Offences
1	Kottayam Railway Police Station	134/2017	U/s.380 IPC
2	Gandhinagar Police Station	980/2018	U/s.20(b)(ii)A of NDPS Act
3	Gandhinagar Police Station	1455/2021	U/s.143, 147, 148, 294(b), 506(i), 323, 324, 308, 427, 328 and 201 R/w 149 IPC
4	Ettumanoor Police Station	1444/2021	U/s.395 IPC
5	Excise Range Office, Palakkad	74/2022	U/s.20(b)(ii)B of NDPS Act.
6	Erattupetta Police Station	594/2023	U/s.15(4) r/w.19 of the Kerala Anti Social Activities (Prevention) Act, 2007
7	Kuruvilangad Police Station	1484/2023	U/s.367, 324, 307, 294(b), 506(ii), 120(b) and 34 of IPC

2. The last prejudicial activity in this case was on 18.10.2023. The detention order was passed on 15.01.2024. The detenu was in judicial custody from 11.11.2023. He was released on 14.12.2023.

3. The learned counsel for the petitioner would submit that the last crime arose out of money transaction and that cannot be reckoned for passing detention order.

4. We perused the last crime. We note that the nature of involvement of the detenu and the nature of the crime committed by him. Though it may have arisen out of money transaction, it is seen that offences under Sections 367, 327 and 307 IPC were registered against him. The other cases would also show that the nature of his involvement and the nature of the activities. All these would clearly establish the petitioner continues to pose a threat to the society. If such activities amount to threat to the society, it necessarily can be concluded that public order is vitiated.

We find no reason to interfere with this matter.
This writ petition (Crl.) fails and it is, accordingly,
dismissed.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

Sd/-

SHOBA ANNAMMA EAPEN
JUDGE

rkj

APPENDIX OF WP(CRL.) 444/2024**PETITIONER EXHIBITS**

Exhibit P1	A TRUE COPY OF ORDER NO. DCKTM/11776/2023-H1 DATED 15.01.2024 OF THE 2ND RESPONDENT
Exhibit P2	A TRUE COPY OF G.O.(RT).NO. 748/2024/HOME DATED 13.03.2024 OF THE 1ST RESPONDENT
Exhibit P3	A TRUE COPY OF THE ORDER NO.HOME-SSA5/55/2024-HOME DATED 23.01.2024 OF THE 1ST RESPONDENT