

(2024) 06 KL CK 0035
In the High Court Of Kerala
Case No : Writ Petition (Crl.)No.304 Of 2024

Salma

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 04-06-2024

Acts Referred:

Kerala Anti-Social Activities (Prevention) Act, 2007 — Section 2p(iii)

Citation : (2024) 06 KL CK 0035

Hon'ble Judges : A.Muhamed Mustaque, J;Shoba Annamma Eapen, J

Bench : Division Bench

Advocate : Ajeesh M Ummer, K.A. Anas

Final Decision : Disposed Of

Judgement

A. Muhamed Mustaque, J.

1. The petitioner is the mother of detenu. The detenu has already suffered a detention order under the Kerala Anti-Social Activities (Prevention) Act, 2007. This is the second detention order and he has already undergone detention for a period of seven months.

2. It is to be noted that he is involved only in one case after the first detention order and that too, on account of a dispute with the neighbour. There is a case and counter case. The nature of allegations attributed to the detenu would clearly establish that the activities of the detenu would only qualify to attract the elements vitiating law and order and not a public order. Further, we note that this being a dispute with neighbour, which comes under Proviso (ii) to Section 2p(iii) of the Kerala Anti-Social Activities (Prevention) Act, 2007, this cannot be reckoned for the purpose of passing a detention.

3. In the light of the above, we set aside the impugned order. The detenu shall be released forthwith, provided, if his custody is not otherwise required in any other case under law.

This W.P.Crl. is disposed of as above.