

(2024) 07 KL CK 0023

In the High Court Of Kerala

Case No : Writ Petition (Crl.) No. 694 Of 2024

Shyla

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 04-07-2024

Acts Referred:

Citation : (2024) 07 KL CK 0023

Hon'ble Judges : A.Muhammed Mustaque, J;S.Manu, J

Bench : Division Bench

Advocate : Deepak Raj, Gouthami, T.Nigil, K.A.Anas

Final Decision : Disposed Of

Judgement

A.Muhammed Mustaque, J.

1. Petitioner, who is the mother of the detenu challenges the detention order issued under the provisions of the Kerala Anti-Social Activities (Prevention Act, 2007. This is the second detention order. The second detention order was passed based on Crime No.291/2024 registered by the Pulpally Police Station, Wayanad. The solitary incident referred in the crime, resulted in passing the detention order. The detention order was passed on 11.06.2024. The question is whether the detention authority was justified in passing the detention order based on the solitary incident.

2. We have perused the allegations against the detenu. This incident referred in the crime arose out of an accident. That means there was no pre-determined action on the part of the detenu to commit the crime. It may be true that he is involved in the crime. But that does not mean, based on such crime, the detention order is to be passed. The gravity of the offence, nature of action on the side of the detenu are all matter to be considered while passing such orders.

3. Taking note of the fact that this incident arose out of a motor accident, we are of the view that detention authorities was not justified relying on such solitary

incident, while passing the detention order. There is absolutely no application of mind. Accordingly, we set aside the impugned order and order to release the detenu forthwith, provided, if he is not otherwise required in any other case under law.