



2024/KER/19993

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 15<sup>TH</sup> DAY OF MARCH 2024 / 25TH PHALGUNA, 1945

WP(C) NO. 8768 OF 2024

PETITIONER:

LINTO, AGED 23 YEARS, S/O JOHNY,  
CHELAKANIRAPPEL, NADUKANI KARA, KEERAMPARA  
VILLAGE, KOTHAMANGALAM, ERNAKULAM DISTRICT, PIN  
- 686 681

BY ADV LATHEESH SEBASTIAN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY GOVERNMENT  
PLEADER, HIGH COURT OF KERALA, PIN - 682 031
- 2 THE DEPUTY INSPECTOR GENERAL OF POLICE  
KALAMASSERRY, ERNAKULAM RANGE, PIN - 682 033
- 3 THE DISTRICT POLICE CHIEF (RURAL), ALUVA,  
ERNAKULAM DISTRICT, PIN - 683 101
- 4 THE DEPUTY SUPERINTENDENT OF POLICE  
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN - 686 661
- 5 THE STATION HOUSE OFFICER, KOTHAMANGALAM POLICE  
STATION, ERNAKULAM DISTRICT, PIN - 686 691

BY ADVS.

ADVOCATE GENERAL OFFICE KERALA  
ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11)  
ADDL. STATE PUBLIC PROSECUTOR(AG-28)

ADV. K.A. ANAS PUBLIC PROSECUTOR



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THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 15.03.2024, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



## **J U D G M E N T**

### **A. Muhamed Mustaque, J.**

The petitioner is challenging the externment order passed under the Kerala Anti-social Activities (Prevention) Act, 2007. The following six crimes were considered for passing the detention order:

<b><i>Sl. No</i></b>	<b><i>Crime No.</i></b>	<b><i>Offences</i></b>	<b><i>Present Status</i></b>
<b><i>1</i></b>	<b><i>1633/2020 of Kothamangalam Police Station</i></b>	<b><i>U/s 323, 325, 294(b), of IPC</i></b>	<b><i>Pending as C.C. No.1667/2020 of JFMC-I, Kothamangalam. Petitioner is arrayed as sole accused.</i></b>
<b><i>2</i></b>	<b><i>1751/2020 of Kothamangalam Police Station</i></b>	<b><i>U/s 323, 325, 326 and 34 of IPC</i></b>	<b><i>Pending as C.C. No.191/2021 of JFMC-I, Kothamangalam. Petitioner is arrayed as second accused.</i></b>
<b><i>3</i></b>	<b><i>2988/2021 of</i></b>	<b><i>U/s 294(b),</i></b>	<b><i>Pending as C.C.</i></b>



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	<i>Kothamangalam Police Station</i>	<i>447, 506(ii) of IPC</i>	<i>No.214/2022 of JFMC- I, Kothamangalam. Petitioner is arrayed as second accused. Pending as C.C.</i>
4	<i>1716/2022 of Kothamangalam Police Station</i>	<i>U/s 323 and 341 of IPC</i>	<i>No.692/2022 of JFMC- I, Kothamangalam. Petitioner is arrayed as sole accused. Pending as C.C.</i>
5	<i>118/2023 of Kothamangalam Police Station</i>	<i>U/s 294(b), 506(ii) and 34 of IPC</i>	<i>No.106/2023 of JFMC- I, Kothamangalam. Petitioner is arrayed as second accused. Pending as C.C.</i>
6	<i>1445/2023 of Kothamangalam Police Station</i>	<i>U/s 294(b), 323, 354, 354(A)(1)(i) and 451 of of IPC</i>	<i>No.545/2023 of JFMC- I, Kothamangalam. Petitioner is arrayed as sole accused.</i>

2. We do not find any infirmity in the order of externment. However, we find that some humanitarian consideration will have to be bestowed on the petitioner as his wife and minor child alone are at home. His father is no more and his mother is an aged person.

3. Taking note of the facts and circumstances, we



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confine the operation of the impugned order till today (15.03.2024). Hereafter, the petitioner shall report before the Station House Officer, Kothamangalam Police Station on every Sunday at 10.30 am for a period of two months.

This writ petition is disposed of as above.

**Sd/-**

**A.MUHAMED MUSTAQUE  
JUDGE**

**Sd/-**

**SHOBA ANNAMMA EAPEN  
JUDGE**

**PR**



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APPENDIX OF WP(C) 8768/2024

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE REPORT OF THE 3RD  
RESPONDENT DATED 06.11.2023
- Exhibit P2 TRUE COPY OF THE FIR IN CRIME NO.  
1633/2020 OF KOTHAMANGALAM POLICE  
STATION DATED 06.09.2020
- Exhibit P3 TRUE COPY OF THE FIR IN CRIME NO.  
1751/2020 OF KOTHAMANGALAM POLICE  
STATION 07.10.2020
- Exhibit P4 TRUE COPY OF THE FIR IN CRIME  
NO.2988/2021 OF KOTHAMANGALAM POLICE  
STATION DATED 26.12.2021
- Exhibit P5 TRUE CITIZEN COPY OF THE FIR IN CRIME  
NO. 1716/2022 OF KOTHAMANGALAM POLICE  
STATION DATED 10.09.2022
- Exhibit P6 TRUE COPY OF THE FIR IN CRIME NO.  
118/2023 OF KOTHAMANGALAM POLICE  
STATION DATED 20.01.2023
- Exhibit P7 TRUE COPY OF THE FIR IN CRIME NO.  
1445/2023 OF KOTHAMANGALAM POLICE  
STATION DATED 14.09.2023
- Exhibit P8 TRUE COPY OF THE HEARING NOTICE OF THE  
2ND RESPONDENT DATED 27.11.2023
- Exhibit P9 TRUE COPY OF THE ORDER OF THE 2ND  
RESPONDENT DATED 04.12.2023