

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Wednesday, the 11th day of February 2026 / 22nd Magha, 1947
WP(CRL.) NO. 1421 OF 2025(S)

PETITIONER:

SANTON LAMA, AGED 38 YEARS, (AADHAR CARD NO. 7115 5502 6140),
S/O MR. SURAJ LAMA, NO. 9/4, SAIDHAM, BILESHIVALE,
HANUMANTHA NAGAR, DODDAGUBBI POST, BENGALURU, PIN - 560 077.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
 2. ADDITIONAL CHIEF SECRETARY, IN CHARGE OF HOME DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
 3. DIRECTOR GENERAL OF POLICE, KERALA POLICE HEADQUARTERS, TRIVANDRUM, PIN - 695 010
 4. THE COMMISSIONER OF POLICE, KOCHI CITY, ERNAKULAM, PIN - 682 018.
 5. THE STATION HOUSE OFFICER, THRIKKAKARA POLICE STATION, THRIKKAKARA, ERNAKULAM, PIN - 682 021.
 6. THE STATION HOUSE OFFICER, NEDUMBASSERY POLICE STATION, CIAL, ERNAKULAM, PIN - 683 111.
 7. COCHIN INTERNATIONAL AIRPORT LTD (CIAL), REPRESENTED BY ITS MANAGING DIRECTOR, NEDUMBASSERY, COCHIN, PIN - 683 111.
 8. THE SUPERINTENDENT, GOVERNMENT MEDICAL COLLEGE HOSPITAL, KALAMASSERY, ERNAKULAM, PIN - 683 104.
- ADDITIONAL R9 & R10 IMPEADED**
9. THE DIG, THE ANTI-HUMAN TRAFFICKING UNIT (AHTU), THIRUVANANTHAPURAM RANGE, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 010.
 10. THE PRINCIPAL SECRETARY, DEPARTMENT OF SOCIAL JUSTICE, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 001. ADDL.R9 & R10 ARE SUO MOTU IMPEADED AS PER ORDER DATED 11/11/2025 IN WP(CRL.) 1421/2025.

P.T.O.

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to direct the respondents 1-6 to produce Mr.Suraj Lama, the missing person in Ext P5 FIR and who was in custody of 5th respondent as evident from Ext P7 photograph before this Honourable Court.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(Crl.), this Court's order dated 09/02/2026 and upon hearing the arguments of SMT. A.PARVATHI MENON, Advocate for the petitioner, SRI. B.S.SYAMANTHAK, GOVERNMENT PLEADER for R1 to R6 & R8, Addl.R9 & Addl.R10, SRI.S.SREEKUMAR (SENIOR ADVOCATE) along with SRI.HARIKRISHNAN S, Advocate for R7 and of SRI.V.RAMKUMAR NAMBIAR, AMICUS CURIAE, the court passed the following:

P.T.O.



DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.

W.P.(Crl) No.1421/2025

Dated this the 11th day of February, 2026

O R D E R

Devan Ramachandran, J.

This Court has spoken in grave detail about this case as evident from the successive orders we have passed from 21.10.2025; a few of which require to be read and hence, are extracted under:

Order dated 21.11.2025

The "alleged detainee" still remains out of sight, says the learned Government Pleader.

2. This is not the first case where we have seen, in this jurisdiction, citizens vanishing without a trace. In many of these matters, including this, we hortatively believe that the "alleged detainee" is still available and perhaps doing well; but who is oblivious to his own identity on account of factors beyond his control.

3. We are aware that a Special Team is investigating the matter and that the petitioner is also involved under our orders.

4. However, since, as said above, we have a lurking suspicion that the "alleged detainee" may be still available very close by; but remaining untraced only because he is unable to express himself, we are of the view that information about him, with his photograph, must be circulated to every citizen, as possible. We are not sure if there is any such mechanism either with the Police or with any other

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agency. If not, we certainly recommend such to the extent to which it is feasible because, in cases like this, if citizens get information about the "detenue" or the "missing person," it would certainly be available to the Police to act swiftly and without wasting precious time, particularly the "golden periods".

5. Sri.Sunil Nath N.B learned Government Pleader, submitted that he will obtain specific instructions from the Police and the other Authorities on this and revert to this Court. He assured us that their persistent effort to find the "alleged detenue" is still on and that the Police are hopeful of obtaining some breakthrough soon because, there have been information gathered about this individual eating at certain shops and interacting with people; but which remain still unverified.

6. Smt.A.Parvathi Menon learned Counsel for the petitioner, supplemented the afore, saying that, her client is also making his own efforts to find his father. She told us about the strain and the struggle that the petitioner is going through; and certainly, our empathy is with him. We can assure him that this Court will not rest until we are able to trace the father.

List this matter therefore, on 01.12.2025

Order dated 01.12.2025.

The learned Government Pleader – Sri.Sunil Nath N.B, gives us a rather disturbing news, that a decomposed body has been found near the Medical College Hospital, Ernakulam - specifically in front of HMT. He added that the body has not been yet identified; and that scientific tests for the same is now going on.

2. At this time, we can only hope and pray that the body found is not that of the “alleged detenue”.

3. The pain of the petitioner and his family certainly is reflected on us also. After all, the pain of losing a near one, especially a father, is something

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that is unbearable and lasting for life.

4. Being fully aware of the sensitivity of the situation, we need certain details, even while we say that we are hoping that the body does not belong to the “alleged detainee”. This Court requires to be told how the “alleged detainee” came to be in the Medical College; how he was discharged from there; and in what manner. This information is vital because it is the specific case of the petitioner that his father – the “alleged detainee” is cognitively impaired on account of some accident abroad; and that it is only because of this that he was, in fact, sent back to India.

5. More pertinently, to say that a body was found in a marshy area right within the Municipality/Corporation area and undetected for over a month or so - as the learned Government Pleader now says the Police suspect – is something to be very concerned about. The Police will have to inform us why such areas are kept unsupervised. We want information about this also on the next posting date.

6. Smt.A.Parvathi Menon - appearing for the petitioner, has been voicing the concerns of her client, that the Authorities had not been active in the manner they should have at the inception. This issue, of course, will seize us, after we get full information about the “alleged detainee”.

7. As matters now stand, we are aware that the “DNA Profiling” and such other tests are being done on the body now recovered. We choose to wait until we get the report on the same.

8. However, the information we have called above, shall be made available whether the body is that of the “alleged detainee” or otherwise, since it will certainly have an impact on the issues that we are concerned with. For such purpose, list on 04.12.2025.

9. Since we recognize the urgency involved, we direct the 3rd respondent to make sure that all

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reports with respect to the body now recovered are settled and made available to us by the next posting date.

List on 04.12.2025.

Order dated 11.12.2025.

The statement filed on behalf of the Deputy Solicitor General of India leaves more questions unanswered than answered.

2. Before we voice our opinion, we are certain that we require the deportation documents of the “alleged detainee” to be placed before us. If the same is in a foreign language, it should be translated and given to us. Smt.S.Krishna – DSGI, sought time till 15.12.2025 for this.

3. Sri.Sunil Nath – learned Government Pleader, submitted that reports have been filed by both the Superintendent of the Government Medical College Hospital, Ernakulam, and also by the Deputy Superintendent of Police, Aluva. He, however, sought time till 15.12.2025, for a comprehensive report of the Police to be placed on record. He added that all details, including the requisition of the Police to the Medical College Hospital qua the admission of the “alleged detainee”, if any, will also be placed on record.

4. Though we do not want to say anything further at this stage, we deem it necessary to notify the Authorities that this Court is concerned about the “alleged detainee” because he is a citizen of India. Every citizen is equal; and under our constitutional umbra, is important. Sometimes, this seems to be lost sight of.

5. We are calling for the afore details within this perspective, and we require the Authorities to keep this in mind.

6. In the meanwhile, the learned Government Pleader will also obtain instructions as to the forensic evaluation of the body that has now been obtained.

List on 15.12.2025.

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2. We, thereupon, passed a further order on 18.12.2025 after hearing the learned counsel for the Cochin International Airport Ltd. (CIAL), who told us that no information about the ‘alleged detainee’ had been received from the Central Government, or its Intelligence Department. This certainly made the situation rather tenuous; and we, therefore, passed the next order on 19.12.2025, which is as under:

We are in a predicament today because neither can we dispose of this writ petition, nor speak on the controversy affirmatively since the whereabouts of the alleged detainee still remains unconfirmed.

2. As indicated in the earlier orders, there is information that an unidentified body has been traced out; but there is yet no confirmation about the identity of the person.

3. We, therefore, would like to believe that the alleged detainee is still alive, but still untraced.

4. There are some issues in this case, which trouble us greatly. We will deal with it peripherally, so as to keep the record ready for the parties to respond in due course.

5. The alleged detainee, without any doubt now, was deported from Kuwait, citing reason of “alcoholism”. The petitioner, who is the son of the alleged detainee, asserts that his father had a cognitive impairment, even at the time when he was deported.

6. The report of the Deputy Superintendent of Police, Aluva – who is heading the Special Investigation Team appointed by this Court — has filed a report, accompanied by the memo of the learned Government Pleader, Sri.Sunil Nath dated 12.12.2025.

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7. The contents of the aforesaid report can be read by any reasonable person only with tears in their eyes.

8. It records that the alleged detainee was sent to Kochi by the Government of Kuwait on orders of deportation; and that he was somehow cleared by all the Authorities, including at the emigration, security and airport, without noticing that he was a hapless man, possibly suffering a condition where he could not take care of himself. The report describes, in a rather gruesome manner, how the alleged detainee wandered from place to place, being rebuked, forced to take solace in extremely unhygienic and inhuman conditions, including on the side of the streets; and the extent to which he was reduced, far from dignified existence. There are indications in the report that well-meaning citizens offered some succor to the alleged detainee, perhaps thinking that he is a vagrant.

9. However, the fact that the alleged detainee had led a dignified life in the past, with a family of his own in Bangalore; but literally left without any support in Kerala after deportation, even when suffering from alleged impairment — both cognitive and otherwise — makes us deeply concerned.

10. The alleged detainee is a citizen of India who was taken into custody and deported to his nation by Kuwait; but to be virtually left alone, to finally endure a destiny, which is horrible and unspeakable.

11. We cannot fathom how the official systems could have failed a citizen of this nation in this manner. They seem to have forgotten that every citizen is equal and that no one is above or below the other.

12. The fate of the family suffering the ordeal surely is indescribable. To think that the alleged detainee was sent safely from Kuwait to India; to then meet his destiny as we now suspect, is something that no son, daughter or wife can suffer in silence. Their protest in this matter is certainly worth the necessary attention from all angles, including by this Court.

13. It is in the afore perspective that we are now considering this writ petition; under the hortative hope

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that the alleged detainee is still alive somewhere.

14. Sri.S.Sreekumar – learned senior counsel, instructed by Sri.Harikrishnan - appearing for the Cochin International Airport Ltd. of India, submitted that his client has acted as per the protocols in allowing the alleged detainee to leave from there. We are not speaking on this yet because, a statement is stated to have been filed by the Airport Authorities, which requires to be looked into in greater detail.

15. The fact remains that the alleged detainee slipped out of the Airport; seems to have wandered aimlessly after that for several days and then to have met a fate which is not yet discernible.

16. In the midst of all this, there is confirmed information that the wife of the alleged detainee had filed a complaint on 08.10.2025, while the latter was seen by several citizens at least three or four days thereafter. It is also rather pertinent that certain police officers found him loitering, to be not of satisfactorily health; and sent him to the Medical College Hospital, Ernakulam, from where also he was sent away, for the reason that he did not suffer from any issue.

17. We have set the tone for the future consideration of this case through this order; but since learned counsel on both sides seek more time, particularly the learned Government Pleader, to inform us about the identification of the body now received, we adjourn this to be called on 06.01.2026.

18. That said, we have requisitioned Sri.Ram Kumar Nambiar – learned Amicus Curiae for Mental Health cases, to assist in this matter, because as we have said above, we still hope and await news that the alleged detainee is still alive.

Until the next posting date, we can only empathise with the family, which we do in full measure and to assure them that no stone will be unturned for them to obtain justice, as our constitution promises to every citizen.

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3. Thereafter, this Court was waiting for the Forensic Report of the body identified; and finally on 06.02.2026, we were told that it has been received. Our order of the said day, therefore, recorded it and we issued certain directions, *ut infra*:

Read order dated 19.12.2025.

2. We have passed several orders subsequent to the afore referred order, since we were told that the body obtained had not been confirmed to be that of the “alleged detainee”.

3. The learned Government Pleader has, however, filed a memo dated 06.02.2026, producing therewith, the report of forensic examination, which appears to confirm the worst – namely, that the body identified is that of the “alleged detainee” Sri.Suraj Lama.

4. This is a case presenting a tragedy of grave proportions.

5. Our opinion has already been recorded in the afore referred order; but there are more things that now come to our notice.

6. It is conceded that a “man missing” case was registered by Mrs. Suraj Lama on 08.10.2025 at Nedumbassery Police Station. Smt. Parvathy Menon, appearing for the petitioner, asserts that, immediately thereafter, or even before, Sri. Suraj Lama had been handed over by certain local people to the Thrikkakara Police Station.

7. Apart from the above, it is without contest – as is admitted – that Sri. Suraj Lama was, in fact, taken into protective custody by the police on 10.10.2025—

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presumably under the provisions of Section 100 of the Mental Healthcare Act—and sent in an ambulance to the Ernakulam Medical College, Kalamassery. Of course, whether this is done under the ambit of the afore Act is also still amorphous.

8. Therefore, at the time when the police intervened on 10.10.2025, there was a man missing case qua Sri. Suraj Lama, registered on 08.10.2025 itself.

9. Prima facie, had the protocol been followed, we have little doubt that Sri. Suraj Lama would be alive today because, the police would have understood that he is a person missing and would perhaps have handed him over to his family.

10. Alas, fate had other designs; but, we require to verify whether this is contributed by inaction from any authority, including the police.

11. It is a turn of irony that a missing person was located by the police on 10.10.2025; but seemingly without being unaware that he was so. The police say that he had failing memory and hence that he was unable to inform them who he is; to be thus sent to the Ernakulam Medical College, Kalamassery.

12. The situation is certainly dire; and we surely need to get to the bottom why the police did not know, when they took Sri. Suraj Lama into their custody on 10.10.2025 – that he was a person who had been reported to be missing by his wife to the Nedumbassery Police Station on 08.10.2025.

13. We, therefore, direct the SHO of the Nedumbassery Police Station, or the investigating officer of the man missing case, to appear before this Court with all relevant files on the next posting date.

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14. That being so ordered, we are left to issue a sombre direction; and we do so with a very heavy heart, placing ourselves with the family of Sri. Suraj Lama, thus being fully in empathy with what they are going through.

15. We direct the superintendent of the Ernakulam Medical College, Kalamassery, to release the body of Sri. Suraj Lama – as stated to identified in the forensic report – to his wife and son, with all courtesies and honor as are required, on production of a copy of this order.

Post on 09.02.2026 at 1.45PM.

4. Today, the learned Government Pleader – Sri.B.S.Syamanthak, submitted that an interim Postmortem Report dated 01.12.2025 has been received by the Police, in which, the following opinion has been recorded.

The body belonged to a male of approximate age 50-60 years and of stature 168 c.m.

There was no evidence of any injury to the deep tissues including skeletal system to account for death.

The opinion as to the cause of death cannot be ascertained on gross autopsy due to advanced decomposition changes. Final opinion is reserved pending the results of laboratory investigations.

Approximate time since death is 1 to 2 months before commencement of the autopsy.

5. This case is, therefore, still wide open.

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6. Though the only plea in this Writ Petition is for issuance of Habeas Corpus, to produce the body of the ‘alleged detainee’, we cannot rest or stop, because the petitioner, at the time when this petition was filed, was under the legitimate impression that his father was alive.

7. The Special Investigation Team constituted by this Court, *prima facie*, appears to have done a good job in identifying the body; but this has now thrown up more questions than even before.

8. Smt.Parvathy Menon referred to the afore extracted order to assert that, there has been negligence at every level, starting from the time when the ‘alleged detainee’ came to India and was cleared through the immigration; to be thereafter, left forlorn on the streets of the city, even when a complaint of ‘man-missing’ had been registered by his wife; thereafter, at the hands of the Medical College where he was sent by the Police to be let out without any attention, even assuming that he was

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found to be normal; and finally, with the body being found submerged in water and in such state for several weeks.

9. It is not necessary for us to specifically record the pathos and the agony of the family. A son has lost his father, a wife her husband. The loss is unbearable and irreplaceable.

10. If this Court is to now stop the proceedings for the singular reason that the body has been identified, it would do more harm to the system. We are left without doubt that an investigation into the entire chain of events – leading from the time when the ‘alleged detainee’ came to India; to be cleared by immigration and by the ‘CIAL’, to then go unnoticed by the Police or by the Medical College and then finally to find a horrible end – requires to be looked into, investigated and properly documented, which we believe would be the least solace that can be offered to the family.

11. That said, the Special Investigation Team (SIT), constituted pursuant to our orders dated 25.10.2025 and 27.10.2025 – at a time when we were also under the

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impression that the 'alleged detainee' was alive – should continue with the afore inquiry, but to be led by the Commissioner of Police.

12. We clarify that we are ordering this for the purpose of this case, which means to say that the entire sequence of events, from the time when the 'alleged detainee' came to India until he was found dead, will have to be properly looked into and investigated.

13. We are persuaded to the afore course also because, it is the specific case of the petitioner that his father may have even been done away with, which is to mean murdered.

Post on 04.03.2026 for report of SIT.

Sd/-

DEVAN RAMACHANDRAN, JUDGE

Sd/-

M.B.SNEHALATHA, JUDGE

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