

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

**Thursday, the 4th day of December 2025 / 13th Agrahayana, 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 IMPLEADED**
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 IMPLEADED 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 01/12/2025 and upon hearing the arguments of SMT. A.PARVATHI MENON, Advocate for the petitioner, SRI. SUNIL NATH, PUBLIC PROSECUTOR for R1 to R6 & R8, Addl.R9 & Addl.R10, SRI. S.SUJIN, Advocate for R7 and of DEPUTY SOLICITOR GENERAL OF INDIA & SMT.S.KRISHNA, CENTRAL GOVERNMENT COUNSEL, the court passed the following:

P.T.O.



DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.

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WP(Crl) No.1421 of 2025

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Dated this the 4th day of December, 2025

ORDER

Devan Ramachandran, J.

Read order dated 01.12.2025.

We have issued certain directions in our earlier order.

Sri.Sunil Nath – learned Government Pleader, seeks few more days' time for the hospital Authorities to respond.

We want to add some more of our concerns in this order.

The alleged detainee is now, with substantial certainty, reported to have been deported from Kuwait on account of some vitiating factor; and we are virtually now told that he came to Kochi and then started walking free. We do not understand how a person who was deported could have been let free like this, without him being given in charge to a person who could have been trusted.

We, therefore, asked Smt.S.Krishna – learned Central Government Counsel, what protocols are followed in the case of a citizen of India being deported; and she requested that she be given some time to ascertain.

This case certainly throws up very difficult questions for all the Authorities.

When a citizen is deported, whatever be the reason, it is surely for a cause found by the deporting country. This could

vary from, perhaps, illness to even terrorism; and between the spectrum are various possibilities. It is shocking that a person who is so deported is then left free through emigration, without any evaluation or surveillance.

In the case at hand, it is now virtually admitted that the alleged detainee was not in his proper mind and had cognitive issues. He seems to have been taken to the Medical College Hospital by the police, from where he was never seen thereafter.

We still are in the hortative hope that the body found is not that of the alleged detainee; but the fact remains that he is still missing.

Indubitably, answers have to come from every one of the Authorities who are concerned - both the Government of Kerala and the Government of India. We, consequently, direct the Deputy Solicitor General of India and the learned Government Pleader to obtain specific instructions on all these issues and to give us a comprehensive answer on the day we consider this matter next.

List on 10.12.2025.

Sd/- DEVAN RAMACHANDRAN, JUDGE

Sd/- M.B. SNEHALATHA, JUDGE