

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA
Friday, the 6th day of February 2026 / 17th 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 23/01/2026 and upon hearing the arguments of SMT. A.PARVATHI MENON, Advocate for the petitioner, PUBLIC PROSECUTOR 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.

WP(Crl) No.1421 of 2025

Dated this the 6th day of February, 2026

O R D E R

Devan Ramachandran, J.

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

WP(Crl.)No.1421 of 2025

2

- as is admitted - that Sri. Suraj Lama was, in fact, taken into protective custody by the police on 10.10.2025—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

WP(Crl.)No.1421 of 2025

3

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.

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.

Sd/-

DEVAN RAMACHANDRAN, JUDGE

Sd/-

M.B.SNEHALATHA, JUDGE

HKH/06.02.2026