

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Monday, the 4th day of October 2021 / 12th Aswina, 1943
WP(C) NO. 20952 OF 2021

PETITIONER:

RAJEEV K. AGED 39 YEARS S/O KOCHUNANU, RESIDING AT RAJANI VILASAM,
INDIRA NAGAR, URUKUNNU P.O, THENMALA, KOLLAM DISTRICT-691307.

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695010.
3. SUPERINTENDENT OF POLICE, KOLLAM RURAL, DISTRICT POLICE OFFICE, KOTTARAKARA, KOLLAM, PIN-691506.
4. DEPUTY SUPERINTENDENT OF POLICE DISTRICT CRIME RECORDS BUREAU, KOLLAM RURAL, KOTTARAKKARA, KOLLAM, PIN-691506.
5. VISWHAMBHARAN, THE STATION HOUSE OFFICER, NOW AT KURATHIKAD POLICE STATION, ALAPPUZHA.
6. SALU D.J. SUB INSPECTOR OF POLICE, THENMALA POLICE STATION, THENMALA P.O, KOLLAM-691308.
7. STATE POLICE COMPLAINTS AUTHORITY REPRESENTED BY CHAIRMAN, COTTON HILL, VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA-695014.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 1 to 4 to stop harassment of the petitioner, pending disposal of the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.P.K.SANTHAMMA & DHANUJA M.S Advocates for the petitioner the court passed the following:

Devan Ramachandran, J.

W.P(C)No.20952 of 2021

Dated this the 04th day of October, 2021

O R D E R

The contents of Ext.P9 report settled by the Deputy Superintendent of Police is shocking, for want of a better word.

2. This report is dated 25.05.2021 and it finds that at least two Police Officers had treated the petitioner with unimaginable barbarity - hand cuffing him to the handrail of the Police Station and registering multiple cases against him - all because he dared to ask receipt for a complaint which he had preferred before the said Authority.

3. The incidents are shocking, but what is more worrying is the submission of the learned Government Pleader - Shri.E.C.Bineesh, that the officials involved appears to be still in service, without any final enquiry having been concluded against them.

4. Ext.P9 report of the Deputy Superintendent of Police certainly is the step in the right direction; but if no action has been taken thereon until now, it really indicates a collapse of the policing system.

5. I, therefore, direct the 2nd respondent - State Police Chief to file an affidavit before this Court as to the action taken on Ext.P9.

6. As far as the petitioner is concerned, he says he has been subjected to inhuman torture all because he belongs to a vulnerable strata of society. I have no doubt that going by the constitutional imperatives of this great nation, such people require the unreserved support of the legal system. The 2nd respondent - State Police Chief will certainly keep this in mind while he makes his response to this Court in terms of the afore directions.

7. This Court will take a decision on issuing notice to respondents 5 and 6, after the affidavit as above ordered is filed by the 2nd

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respondent - State Police Chief.

List this case for further consideration on
22.10.2021.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

H/O

MC



APPENDIX OF WP(C) 20952/2021

Exhibit P9

THE COPY OF REPORT DATED 25/05/2021 OF R4 TO THE R3.

