

Sub: - Presented on: 3 -12 – 2018
Public Interest Litigation - Illegal arrest & detention of thousands of people by Kerala Police- The directions to the State Police Chief & Home secretary by Hon: Supreme Court in the in Judgment in State of Gujarat Vs. Kishanbhai Etc. Reported in (2014(5)SCC 108) was not complied so far- Registration of False Cases at an alarming rate due to the non implementation of the judgment.

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W. P. (c) No. OF 2018

Sobhana Surendran @ Sobha Surendran : Petitioner

Vs.

The State Of Kerala & Another : Respondents

WRIT PETITION FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

V. SETHUNATH (S-312)(K/633/1990)

MANORANJAN.V.R(M-1063) (K/1100/1993)

Chamber no. 530

Counsels for the petitioner.

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W. P. (c) No. OF 2018

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Dated this the 3rd day of December , 2018

Counsel for the petitioner.

make the erring officials accountable to all acquittals in the criminal cases. Unfortunate to say that so far no action has been complied by the state police and that the RTI information received shows that they have not so far complied the Honourable supreme court order. This is nothing but contempt of court of the Hon: Supreme court. If such strict compliance **would have been initiated** there would not have been 5000 **plus** illegal arrests in the state in the recent past. Hence this public interest Litigation to make it accountable for the Kerala Police to comply the direction in State of Gujarat Case and to punish all erring police officials who had registered false cases after 7-1-2014.

Dated this the 3rd day of December , 2018

Counsel for the petitioner.

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W. P. (c) No. OF 2018

PETITIONER.

Sobhana Surendran @ Sobha Surendran (age 44 yrs)
w/o Surendran, Kandampully House, Manalithara,
Vadakkanchery, Thrissur

RESPONDENTS

- 1.** The State of Kerala Represented by the Principal Secretary, Home Department, Secretariat, Thiruvananthapuram. Pin: 695001
- 2.** State Police Chief , Kerala State, Police Head Quarters, Vazhuthakkad, Thiruvnathapuram, Pin 695014

The address for the service of notice and process on the petitioner is that his counsel M/s., V. Sethunath & Manoranjan.V.R, Advocates, Chamber No. 530, Kerala High Court Advocates Association Golden jubilee Chamber Complex, Cochin -31 and that of the respondent are as shown above.

**WRIT PETITION FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA**

The petitioner most respectfully beg to submit the following for the kind consideration and favourable disposal of this court :-

1. The Petitioner is a social activist and Political leader. She is the Kerala State General Secretary and National Executive member of Bhartiya Janata Party.

2. That the police atrocities in Kerala are in an alarming mode. Thousands of people are arrested, harassed and tortured and sent to judicial custody for no reason. That police know that their highhandedness against poor innocent citizens will not be questioned and accordingly everyday they are lodging false cases against the poor and downtrodden thinking that even if they are found innocent, no action could be initiated against them in this regard. Police feel that their actions are unquestionable by any authority. It is very much pertinent to know that an IPS officer even dared to question a Judicial officer, that too a Hon:High Court judge. Similarly a senior Cabinet Minister from the central ministry also was humiliated in the name of law and order. When Judicial officers and top most Ministers are not spared in the name of so called Law and order issue how can a menial person will be safe in the hands of police ? Police force became a legal gang doing illegal activities under the guise of managing law and order. That Hon: supreme court foreseen these anti social actions of the so called protagonists of law and order and a strict direction in this regard was pronounced in **State of Gujarat Vs. Kishanbhai Etc. Reported in (2014(5)SCC 108)** on 7-1-2014

3. Para 22 to 24 of the Judgment is extracted here under :-

Para 22. *"Every acquittal should be understood as a failure of the justice delivery system, in serving the cause of justice. Likewise, every acquittal should ordinarily lead to the inference, that an innocent person was wrongfully prosecuted. It is therefore, essential that every State should put in place a procedural mechanism, which would*

ensure that the cause of justice is served, which would simultaneously ensure the safeguard of interest of those who are innocent. In furtherance of the above purpose, it is considered essential to direct the Home Department of every State, to examine all orders of acquittal and to record reasons for the failure of each prosecution case. A standing committee of senior officers of the police and prosecution departments, should be vested with aforesaid responsibility. The consideration at the hands of the above committee, should be utilized for crystallizing mistakes committed during investigation, and/or prosecution, or both. The Home Department of every State Government will incorporate in its existing training programmes for junior investigation/prosecution officials course- content drawn from the above consideration. The same should also constitute course-content of refresher training programmes, for senior investigating/prosecuting officials. The above responsibility for preparing training programmes for officials, should be vested in the same committee of senior officers referred to above. Judgments like the one in hand (depicting more than 10 glaring lapses in the investigation/prosecution of the case), and similar other judgments, may also be added to the training programmes. The course content will be reviewed by the above committee annually, on the basis of fresh inputs, including emerging scientific tools of investigation, judgments of Courts, and on the basis of experiences gained by the standing committee while examining failures, in unsuccessful prosecution of cases. We further direct, that the above training programme be put in place within 6 months. This would ensure that those persons who handle sensitive matters concerning investigation/prosecution are fully trained to handle the same. Thereupon, if any lapses are committed by them,

they would not be able to feign innocence, when they are made liable to suffer departmental action, for their lapses.

Para 23. *On the culmination of a criminal case in acquittal, the concerned investigating/prosecuting official(s) responsible for such acquittal must necessarily be identified. A finding needs to be recorded in each case, whether the lapse was innocent or blameworthy. Each erring officer must suffer the consequences of his lapse, by appropriate departmental action, whenever called for. Taking into consideration the seriousness of the matter, the concerned official may be withdrawn from investigative responsibilities, permanently or temporarily, depending purely on his culpability. We also feel compelled to require the adoption of some indispensable measures, which may reduce the malady suffered by parties on both sides of criminal litigation. Accordingly we direct, the Home Department of every State Government, to formulate a procedure for taking action against all erring investigating/prosecuting officials/officers. All such erring officials/officers identified, as responsible for failure of a prosecution case, on account of sheer negligence or because of culpable lapses, must suffer departmental action. The above mechanism formulated would infuse seriousness in the performance of investigating and prosecuting duties, and would ensure that investigation and prosecution are purposeful and decisive. The instant direction shall*

also be given effect to within 6 months.

Para 24. *A copy of the instant judgment shall be transmitted by the Registry of this Court, to the Home Secretaries of all State Governments and Union Territories, within one week. All the concerned Home Secretaries, shall ensure compliance of the directions recorded above. The records of consideration, in*

compliance with the above direction, shall be maintained”.

4. The petitioner’s counsel had applied before the respondents asking whether the judgment delivered by the Hon; Supreme court on 7-1-2014 is complied by the respondents so far. The True copy of the RTI application given by the petitioner’s counsel to the 1st respondent is produced here with and marked as **Exhibit P1**. The RTI officer under 1st respondent replied stating that the Ext.P1 is forwarded to the 2nd respondent for providing information to the petitioner. The True copy of the reply dated 14-9-2017 issued from the office of the 1st respondent is produced here with and marked as **Exhibit P2**. Similar set of application was given to 2nd respondent. True copy of the RTI application given by the petitioner’s counsel to the 2nd respondent is produced here with and marked as **Exhibit P3**. Five replies have been received by the petitioner’s counsel on different dates. The True copy of the Reply given by the office of the 2nd respondent dated 19-8-2017 is produced here with and marked as **Exhibit P4(a)**. The True copy of the Reply given by the office of the 2nd respondent dated 15-9-2017 is produced here with and marked as **Exhibit P4(b)**. The True copy of the Reply given by the office of the Asst. Director(Administration)Police Academy, Thrissur is produced here with and marked as **Exhibit P4(c)**. The True copy of the Reply given by the office of the Information officer, Police Training Academy is produced here with and marked as **Exhibit P4(d)**. The True copy of the Reply given by the office of the 2nd respondent is produced here with and marked as **Exhibit P4(e)**

5. It can be seen from Ext.P2 & Ext.P4 (a) to P4(e) that the respondents are not even having the data of acquittals of cases and it is alarming that not even a single Police

Investigating officer/ Charging officer is departmentally punished for the lapses in investigation and Acquittals by courts. Of course the petitioner was fair enough to submit in the Ext.P1 & P3 applications that the acquittal due to settlement and quashing of cases due to settlement the police officers should not be made accountable since the police cases are admitted and compromised. But in contesting cases each acquittal in criminal cases should be made accountable as per the Judgment in State of Gujarat Case.

6. The State Political leadership and State police are very vibrant in implementing the decision of the Apex court in Indian Young Lawyers Association Vs. The State of Kerala & Ors. [WRIT PETITION (CIVIL) NO. 373 OF 2006], even though the said judgment was a declaration and there is no specific direction with a time frame, the respondents was over enthusiastic to implement the said judgment inviting Police atrocities and harassment and arrest. **But they are least worried about an order by the Supreme Court almost 4years ago to make the police officers accountable in investigational failures and acquittals. They forgot to implement an order against themselves but at the same time showing over enthusiasm in implementing some other less priority cases.** It can also be seen that the registration of cases increasing at an alarming rate. The true copy of the chart showing the total number of criminal cases registered by the Kerala police from 2008 to 2018 (October)is produced here with and marked as **Exhibit P5**.

7. A state leader of the Bharatiya Janata Party, Mr. K Surendran was arrested while going for the Darshan at Sabarimala shrine. More than a dozen of cases are slapped

on him with non bailable offences, for that the State police deputed many police officers to harass and assault Mr. K. Surendran in Police custody.

8. More than 5000 devotees of Lord Ayyappa were arrested, who belonged to various caste, States communities and parties and more than 1000 false cases were registered by the Police. Due to the terror created by the Kerala police devotees visiting the Sabarimala shrine has been considerably reduced. If the Supreme court Judgment was implemented in letter and spirit and erring police officers have been departmentally punished, such a course of action would not have been taken by the police for petty political reasons. The law and Order machinery had been failed due to the police atrocities. The intervention of this court highly required in the matter. All will lead to a definite conclusion that if the intervention of this court is not made under Article 226 of the constitution of India, illegality and registration of false cases, and Police terror will be the end result.

Under the circumstances the petitioner has no other alternative effective remedy for reliefs than to approach this Hon'ble court under article 226 of the constitution of India on the following among other grounds.

GROUND

1. The action of the respondents are illegal and vitiated by irregularities and of Police terror.

2. Police is a part and parcel of our society and plays a vital role in system of criminal administration of justice because police is primarily concerned with the maintenance of peace and enforcement of law and order

and security of person and the property of individuals. The police also have to prevent **juvenile delinquency** and atrocities against women and children. Though the goals and objectives of police are noble but they have been criticized and condemned for committing acts which are just contrary and this is because the powers given to them to fulfill their social responsibilities are capable of being abused by them to trample the constitutional rights of the community. It also lowers the dignity of the officials and shakes the foundation of trust and faith imposed on them by the society.

3. These powers of the police are laid down in the Chapter XI from Sec. 149 to 153 of Code of Criminal Procedure, 1973. Police officials are also given powers u/s 41, 42 and 151 of Cr.P.C, 1973, to make arrest without a warrant taking into consideration the circumstances. The primary duty of police officials is to serve mankind, to prevent crime, to uphold and protect human rights and to investigate and detect and activate the prosecution of offences, to curb public disorder, to deal with major and minor crisis and help those who are in distress. But it is often seen that while discharging official duties, **police officials do not undertake their responsibilities in a proper way and abuse their power for their political leaders.**

4. They break their social contract and indulge in various unscrupulous activities. Such illegal action or inappropriate action can be defined as police misconduct. These improper actions by police officials or use of excessive power than that is reasonably necessary lead to miscarriage of justice, discrimination and involve obstruction of justice. Though the goals and objectives of police are noble but they have been criticized and

condemned for committing acts which are just contrary and this is because the powers given to them to fulfill their social responsibilities are capable of being abused by them to trample the constitutional rights of the community.

5. Types of Illegal Action

A society always demands from police the highest standards of conduct particularly those of honesty, impartiality and integrity because of their professional responsibility. **But abuse of powers by the police officials has become an open scenario in Indian society.** Police misconduct or illegal actions can be of various types, some of them are briefly discussed below. Police misconduct includes:

- (i) Illegal or false arrest or false imprisonment
- (ii) Falsification of evidence, falsifying a police report
- (iii) Committing perjury on the witness stand or witness tampering
- (iv) Police brutality
- (v) Bribing and lobbying
- (vi) Unwarranted surveillance, searches and seizure of property

6. In D.K Basu v/s State of West Bengal, [(1997) 1 SCC 416; AIR 1997 SC 610] the Court has laid down detailed guidelines to be followed by the police at the time of arrest and detention. In false imprisonment, the equal protection of law which is guaranteed under our Constitution, is usually not implicated to the person which somehow leads to violation of his fundamental rights. The case of **Joginder Kumar v/s State of U.P [1994 AIR 1349, 1994 SCC (4) 260]** is an example which highlights the wrongful use of arrest power by the police

without a valid reason and the arrest was not recorded in the police diary

7. Falsification Of Evidence, Falsifying a Police Report

The word "evidence" is explained u/s 3 of Indian Evidence Act but the definition of the word is not precise. It mainly consists of oral evidence and documentary evidence. Oral evidence is the verbal testimony of the witnesses and the documentary evidence is the written testimony of a witness. Documentary evidence is proved before it is admitted as evidence. Though, the police officials are bound to assist the court, in bringing the facts during the trial, these powers are often misused by them for their personal or departmental gains.

8. The authorities sometimes distort with the actual evidences thereby resulting in innocent people being wrongly convicted based on false evidence. The police officials are often caught with the corruption like falsifying reports. Officers dealing the case are often found tampering with confessions, witness statements, testimonies in order to develop a false report, not complying with the fact that police report is a document that is heavily relied upon by the court for giving an order or judgment. Sec 191 of the Indian Penal Code, 1860 deals with any person who is legally bound by an oath or any express provision of law to state the truth or to make any statement or declaration, makes a false statement knowingly or believing it to be false. In **Baban Singh And Anr vs Jagdish Singh & Ors [1967 AIR 68, 1966 SCR (3) 552]**, the Hon'ble Supreme Court held that by swearing a false affidavit, the accused makes himself

prima facie liable under section 193 read with Sec 191 and 192 of the Indian Penal Code.

9. Sec 194 highlights the punishment for giving false evidence with the intention thereby to wrongly convict a person for an offence which is capital by law for the time being in force in India, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine. And, if because of this false evidence, any innocent person is convicted, the person who gives such evidence shall be punished with either death or the punishment hereinbefore described.

10. Sec 195 emphasizes punishment where a person gives or fabricates false evidence intending thereby to cause or knowingly that he will cause any person to be convicted of an offence which by law for the time being in force in India is not capital but punishable with imprisonment for life or imprisonment for a term or seven years or more, shall be punished as a person convicted of that offence would be liable to be punished.

11. As per Sec 196 whoever attempts to use as true any evidence which he knows to be false or fabricated as genuine, shall be punished in the same manner as he has given or fabricated the false evidence.

12. Sec 197 deals with whoever issues or signs any certificate required by law to be signed or given or in any fact where the certificate is admissible in law as evidence knowing or believing such certificate is false in any material point, shall be punished in the same manner as he has given or fabricated the false evidence. For example, fabrication of birth certificate while Sec 198

stresses on Section 197 whereby such certificates as true certificates shall be punished in the same manner as he has given or fabricated the false evidence. Sec 200 deals with whoever corruptly uses or attempts to use any declaration knowing the same to be false in any material point shall be punished in the same manner as if he has given any false evidence. To the utter dismay , neither any police officer is charged with these sections nor convicted by any courts. Sec. 194 to 200 of the I.P.C has now become imaginary sections.

13. Committing Perjury On The Witness Stand Or Witness Tampering

False testimony or committing perjury on part of the witness is one of most heinous police corruption. The Hon'ble Courts are likely to believe the version of the police officials. Many cases are dependent on the police officer's testimony therefore the issue of perjury is extremely important. Due to grave corruption on the part of police officers, thousands of innocent people are convicted by law.. This is a disease which has infected the entire system which needs to be rooted out by implementing the Judgment of the Apex Court in State of Gujarat Vs. Kishanbhai Etc. Reported in (2014(5)SCC 108)

14. Police Brutality

Police brutality is an example of violation of civil rights, where an officer misuses his power and tortures an individual with a force that is much higher than what is required. This has resulted in various custodial deaths, the record of which is still to be found and to be produced before law. The case of **Nilabati Behra v/s State of**

Orissa & Ors. [(1993(2) SCC 746] is a glaring example of death caused by police brutality. In this particular case the state was held liable and was directed to pay compensation to the appellant. This brutal act of police was regarded as a gross violation of the rights enshrined in Article 21 of the Indian Constitution.

15. Police brutality also includes negligence on the part of police officers. It is the duty of police to provide proper and reasonable care to every person in his custody immaterial of the fact that he is guilty or innocent. Unnecessary harassment to the person in custody or to any person in general is not accepted and is highly disregarded. Even the person in lock up should be dealt by the police in accordance with the power conferred on it but not in any way they want. Police officials should refrain from taking action which are prohibited by law and does not fall part of it. In **Saheli v/s Union of India [AIR 1990 SC 513]**, the Supreme Court of India awarded Rs. 75,000 as damages to the mother of the child who died as a result of police beating.

16. The Supreme Court in series of judgments held the state responsible for police misconduct or abuse of power. It was also held that the doctrine of sovereign immunity cannot be used as a tool for defense in public law, making pecuniary compensation as the golden remedy for violation of fundamental rights. The Supreme Court in **Bhim Singh Versus State of J & K. [(1985) 4 SCC 677; AIR 1986 SC 494]**, directed the State Government to pay a compensation of Rs 50,000 for illegal arrest and detention of Bhim Singh by the police in order to prevent him from attending the Assembly Session. **In the recent decision in Nambi Narain, was directed to be**

compensated by Rs.50 Lakhs for the illegal arrest and detention.

17. The brutality of police has to be investigated and reviewed properly. Sec 197 of Cr.P.C which provides certain immunities to the public servants from prosecution, for any misappropriate act done during the discharge of duty, needs to be amended and few stringent laws need to be enacted to check this type of corruption in future. For a civilized society, the courts need to be vested with little more of judicial attention which give them the power to look into every complaint and bring the offenders of police brutality to justice. Strict instructions need to be given to police force that unnecessary use of power cannot save them from the eye of law.

18. Sec 197 of Cr.P.C also gives power to the Government to interfere by way of giving approval or sanction in case a police official needs to be prosecuted for any criminal action. It is recommended to replace this section in order to reduce the endless abuse of the powers of the Government and to make it absolutely free from any influence.

19. Unwarranted Surveillance, Searches And Seizure Of Property

If a police official is under the impression that an evidence of a crime can be found at a particular place, it is his duty to convince a Magistrate or court to issue a search warrant order. By issuing such order, the court authorizes the police officials to conduct a search of a person, property both movables and immovable and to confiscate items.

Section 93 of the Code of Criminal Procedure provides circumstances under which a search warrant can be

issued. The place, date and time for conducting the search should be mentioned specifically and clearly in the warrant. It must be conducted in compliance with the provision to Section 100 of the Code of Criminal Procedure, 1973. Though, police officials, under Sec 165 of Cr.P.C, are empowered to conduct search or surveillance of property, person without a search warrant. It is an exception and is applicable only in case of certain limited emergencies. But in reality, it is sad, how the power given to the police officials under Sec 165 are misused and used as an arbitrary power. In, fact, police officials sometimes use it even as a tool for harassment.

20. The Kerala police have conducted more than 25,000 searches for the last two months in the houses of devotees. Under no circumstances, the police officials are authorized to conduct unjustified or unreasonable searches. Certain rights are also given to the occupants such as the person can ask for identification, they can even ask for explanation as to why such search is conducted at his property. The police officials are supposed to restrict the surveillance or search to that particular area specified in the warrant and if they go beyond it and search areas that are not specified in the warrant, such search can be rightly challenged by the occupants. While police is conducting a search or surveillance, the occupant needs to be much alert and at best can demand for the presence of a police officer or few respectable people in that area and his lawyer during the search. It is much needed to have a lawyer present during search or surveillance or seizure. The occupant should ask the police official present during the search to prepare a seizure list and get the same signed by him.

21. It is trite principle of law that in matters involving infringement or deprivation of a fundamental right; abuse of process of law, harassment etc., the courts have ample power to award adequate compensation to an aggrieved person not only to remedy the wrong done to him but also to serve as a deterrent for the wrong doer.

22. In Rudul Sah Vs. State of Bihar & Anr. (1983) 4 SCC 141, Y.V. Chandrachud, CJ, speaking for a Bench of three learned Judges of this Court had observed thus: "One of the telling ways in which the violation of that right can reasonably be prevented and due compliance with the mandate of Article 21 secured, is to mulct its violators in the payment of monetary compensation. Administrative sclerosis leading to flagrant infringements of fundamental rights cannot be corrected by any other method open to the judiciary to adopt

23. In Bhim Singh, MLA Vs. State of J & K & Ors. (1985) 4 SCC 677 , holding illegal detention in police custody of the petitioner Bhim Singh to be violative of his rights under Articles 21 and 22(2) of the Constitution, this Court, in exercise of its power to award compensation under Article 32, directed the State to pay monetary compensation to the petitioner. Relying on Rudal Sah (supra), O. Chinnappa Reddy, J. echoed the following views:

"When a person comes to us with the complaint that he has been arrested and imprisoned with mischievous or malicious intent and that his constitutional and legal rights were invaded, **the mischief or malice and the invasion may not be washed away or wished away by his being set free.** In appropriate cases we have the jurisdiction to compensate the victim by awarding suitable monetary compensation".

24. In a Rule of Law society the Police, like the other criminal justice agencies, functions within the legal framework of the Constitutional and the Municipal Laws that comprise mainly of the Constitution of India, 1950, The Code of criminal Procedure, 1973, the Indian Evidence Act, 1872, the Protection of Human Rights Act, 1993 and the Police Act etc. Though the wide range of statutory laws constitute, the normative basis for the Police functions, but at the actual functional level, often' doubts and controversies arise, regarding the, ambit and interpretations of the statutory rules, thereby calling for frequent adjudications by the courts. In the tradition of the Theory of Precedent the judgments of the appellate, courts have a binding or persuasive value for the later decisions on the point. Particularly the "judgments of the Supreme Court of India which are accorded the highest precedential value in terms of the Article 141 of the Constitution which reads : The Law declared by the Supreme Court shall be binding on all courts within' the Territory of India". Thus for all the courts as well as, other State agencies, the Supreme court, rulings, constitute the binding law, violation of which can 'entail contempt proceedings. The Law declared by the Supreme court is unimplemented for the last 4 ½ years, by the respondents , as a result registration of false cases now become a fashion for certain I.P.S officers who even threaten the supremacy of courts. Such police officers must be removed from service.

For this and other ground that may be urged this Honorable court may be pleased to grant the following

RELIEF

- 1.** Issue a writ of mandamus or any appropriate writ, order or direction to the respondents to furnish all cases of acquittals in criminal cases from 7-1-2014 to till now and name and designation of Investigating / Charging officers in all cases which ended up in acquittals [compromised and settled cases **may** not be counted]
- 2.** Issue a writ of mandamus or any appropriate writ, order or direction to the respondents to take disciplinary action against all police officers who had investigated/ charge sheeted the cases which resulted in acquittal.
- 3.** Issue a writ of mandamus or any appropriate writ, order or direction to the respondents to implement the Judgment in State of Gujarat Vs. Kishanbhai Etc. Reported in (2014(5)SCC 108), in letter and spirit.
- 4.** Grant such other relief as this Hon'ble court deems fit and proper to grant in the facts and circumstances of the case.

INTERIM RELIEF

For the reasons stated in the writ petition and affidavit in support of the same it is most humbly prayed that this Hon'ble court may be pleased to direct the respondents to furnish the list of cases, with **data** , registered against the Ayyappa Devotees in various districts from 29-9-2018 till this date pending disposal of the writ petition

Dated this the 3rd day of December , 2018

Petitioner

Counsel for the petitioner.

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W. P. (c) No. OF 2018

Sobhana Surendran @ Sobha Surendran : Petitioner

Vs.

The State Of Kerala & Another : Respondents

AFFIDAVIT

I, Sobhana Surendran @ Sobha Surendran (age 44 yrs)
w/o Surendran, Kandampully House, Manalithara,

Vadakkanchery, Thrissur do hereby solemnly affirm and state as follows:-

1. I am the petitioner in the above petition and I am fully conversant with facts of this case.
2. All the facts stated in the above writ petition are true to the best of my knowledge and information and belief.
3. I have raised very valid grounds in the writ petition and I am advised that the reliefs sought for would be granted.
4. The Exts.P1 to P5 Produced in the writ petition are true copy of the original. I have not filed any other petitions earlier for challenging action of the respondents before this Hon'ble court or any other court seeking identical reliefs. I have no personal interest in the matter and this petition is filed for and behalf of the public who are affected by police brutalities. All the facts stated above are true to the best of my knowledge, information and belief

Dated this the 3rd day of December , 2018

Deponent

Solemnly affirm and signed before me by the deponents who is personally known to me on this the Dated this the 3rd day of December , 2018 in my office at Ernakulam.

V. Sethunath

Advocate.

APPENDIX

PETITIONER'S EXHIBITS

1. **Exhibit P1.** The True copy of the RTI application given by the petitioner's counsel to the 1st respondent
2. **Exhibit P2.** The True copy of the reply dated 14-9-2017 issued from the office of the 1st respondent
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81. Exhibit P4(e). True copy of the Reply given by the office of the 2nd respondent

9. Exhibit P5. The true copy of the chart showing the total number of criminal cases registered by the Kerala police from 2008 to 2018 (October)