

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 1<sup>ST</sup> DAY OF JUNE 2021 / 11TH JYAISHTA, 1943

WP(C) NO. 11631 OF 2021

**PETITIONER/S:**

SAYED MOHAMMED KOYA  
AGED 49 YEARS  
SAYED MOHAMMED KOYA, AGED 49 YEARS, S/O CHERIYA  
KOYA PATTAKKAL, KOMALAM (H), MECHERI, ANDROTT  
ISLAND, LAKSHADWEEP, PIN: 682551., PIN - 682551

BY ADV R.ROHITH

**RESPONDENT/S:**

- 1 ADMINISTRATOR UTL  
AGED 65 YEARS  
THE ADMINISTRATOR.  
UNION TERRITORY OF LAKSHADWEEP,  
SECRETARIAT BUILDING, KAVARATTI,  
LAKSHADWEEP- 682555, PIN - 682555
  
- 2 DISTRICT COLLECTOR  
AGED 45 YEARS  
THE DISTRICT COLLECTOR,  
UNION TERRITORY OF LAKSHADWEEP,  
1COLLECTORâ€™S BLOCK, SECRETARIAT,  
KAVARATTI, LAKSHADWEEP â€” 682555, PIN - 682555

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- 3 DISTRICT MAGISTRATE  
AGED 55 YEARS  
THE DISTRICT MAGISTRATE  
UNION TERRITORY OF LAKSHADWEEP,  
KAVARATTI, PIN CODE: 682555, PIN - 682555
- 4 EXECUTIVE MAGISTRATE KILTAN ISLAND  
AGED 55 YEARS  
EXECUTIVE MAGISTRATE, KILTAN ISLAND  
UNION TERRITORY OF LAKSHADWEEP  
KILTAN ISLAND, PIN CODE: 682558., PIN - 682555
- 5 STATION HOUSE OFFICER KILTAN ISLAND  
AGED 50 YEARS  
5. STATION HOUSE OFFICER, KILTAN ISLAND,  
UNION TERRITORY OF LAKSHADWEEP  
KILTAN ISLAND, PIN CODE: 682558., PIN - 682558
- 6 SENIOR SUPERINTENDENT OF POLICE  
AGED 50 YEARS  
SENIOR SUPERINTENDENT OF POLICE  
UNION TERRITORY OF LAKSHADWEEP. KAVARATTI  
PIN: 682555., PIN - 682555
- 7 EXECUTIVE MAGISTRATE ANDROTT  
AGED 51 YEARS  
7.EXECUTIVE MAGISTRATE ANDROTT  
UNION TERRITORY OF LAKSHADWEEP  
ANDROTT ISLAND, PIN CODE: 682551., PIN - 682551
- 8 EXECUTIVE MAGISTRATE AMINI  
AGED 49 YEARS  
EXECUTIVE MAGISTRATE AMINI  
UNION TERRITORY OF LAKSHADWEEP  
AMINI ISLAND, PIN CODE: 682552, PIN - 682552
- 9 EXECUTIVE MAGISTRATE MINICOY  
AGED 47 YEARS  
EXECUTIVE MAGISTRATE MINICOY  
UNION TERRITORY OF LAKSHADWEEP  
MINICOY ISLAND, PIN CODE: 682559, PIN - 682559

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- 10 EXECUTIVE MAGISTRATE KAVARATTI  
AGED 54 YEARS  
EXECUTIVE MAGISTRATE KAVARATTI  
UNION TERRITORY OF LAKSHADWEEP  
KAVARATTI ISLAND, PIN CODE: 682555, PIN - 682555
- 11 EXECUTIVE MAGISTRATE AGATTI  
AGED 52 YEARS  
EXECUTIVE MAGISTRATE AGATTI  
UNION TERRITORY OF LAKSHADWEEP  
AGATTI ISLAND, PIN CODE: 682553, PIN - 682553
- 12 EXECUTIVE MAGISTRATE CHETHLAT  
AGED 50 YEARS  
EXECUTIVE MAGISTRATE CHETHLAT  
UNION TERRITORY OF LAKSHADWEEP  
CHETLAT ISLAND, PIN CODE: 682554., PIN - 682554
- 13 EXECUTIVE MAGISTRATE KADMATT  
AGED 50 YEARS  
EXECUTIVE MAGISTRATE KADMATT  
UNION TERRITORY OF LAKSHADWEEP  
KADMATT ISLAND, PIN CODE: 682556., PIN - 682556
- 14 EXECUTIVE MAGISTRATE KALPENI  
AGED 50 YEARS  
EXECUTIVE MAGISTRATE KALPENI  
UNION TERRITORY OF LAKSHADWEEP  
KALPANI ISLAND, PIN CODE: 682557, PIN - 682557
- 15 ADDITIONAL DISTRICT MAGISTRATE  
AGED 50 YEARS  
15.ADDITIONAL DISTRICT MAGISTRATE  
UNION TERRITORY OF LAKSHADWEEP  
KAVARATTI ISLAND, PIN CODE: 682555., PIN - 682555

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- 16 STATION HOUSE OFFICER ANDROTT  
AGED 45 YEARS  
STATION HOUSE OFFICER ANDROTT,  
ANDROTT POLICE STATION  
ANDROTT ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682551., PIN - 682551
- 17 STATION HOUSE OFFICER AMINI  
AGED 48 YEARS  
STATION HOUSE OFFICER AMINI,  
AMINI POLICE STATION  
AMINI ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682552., PIN - 682552
- 18 STATION HOUSE OFFICER AGATTI  
AGED 50 YEARS  
STATION HOUSE OFFICER AGATTI,  
AGATTI POLICE STATION  
AGATTI ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682553, PIN - 682553
- 19 STATION HOUSE OFFICER CHETLATH  
AGED 50 YEARS  
STATION HOUSE OFFICER CHETHLATH,  
CHETHLATH POLICE STATION  
CHETHLATH ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682554, PIN - 682554
- 20 STATION HOUSE OFFICER KAVARATTI  
AGED 46 YEARS  
STATION HOUSE OFFICER KAVARATTI,  
KAVARATTI POLICE STATION  
KAVARATTI ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682555, PIN - 682555
- 21 STATION HOUSE OFFICER KADMATT  
AGED 49 YEARS  
STATION HOUSE OFFICER KADMATT,  
KADMATT POLICE STATION  
KADMATT ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682556, PIN - 682556

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- 22 STATION HOUSE OFFICER KALPENI  
AGED 53 YEARS  
STATION HOUSE OFFICER KALPENI,  
KALPENI POLICE STATION  
KALPENI ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682557., PIN - 682557
- 23 STATION HOUSE OFFICER MINICOY  
AGED 51 YEARS  
STATION HOUSE OFFICER MINICOY,  
MINICOY POLICE STATION  
MINICOY ISLAND, UNION TERRITORY OF LAKSHADWEEP.  
PIN: 682559, PIN - 682559
- 24 UNION OF INDIA  
AGED 50 YEARS  
MINISTRY OF HOME AFFAIRS, UNION OF INDIA  
REPRESENTED BY. SECRETARY,  
MINISTRY OF HOME AFFAIRS, WOMEN SAFETY DIVISION  
2ND FLOOR, MAJOR DYAN CHAND NATIONAL STADIUM,  
INDIA GATE \_ NEW DELHI. PIN: 110002, PIN - 110002
- 25 MEDICAL OFFICER KILTAN  
AGED 50 YEARS  
MEDICAL OFFICER  
PUBLIC HEALTH CENTRE, KILTAN ISLAND  
UNION TERRITORY OF LAKSHADWEEP. PIN: 682558, PIN  
- 682558
- 26 DIRECTOR OF MEDICAL SERVICE  
AGED 50 YEARS  
DIRECTOR OF MEDICAL SERVICE  
LAKSHADWEEP, KAVARATTI ISLAND,  
PIN: 682555., PIN - 682555

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
01.06.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**A.MUHAMED MUSTAQUE & DR.KAUSER EDAPPAGATH, JJ.**

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**W.P.(C).No.11631/2021**

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Dated this the 1<sup>st</sup> day of June, 2021

**O R D E R**

A.Muhamed Mustaque, J.

This writ petition is filed espousing the cause of persons detained in connection with a crime registered in Lakshadweep Island (Crime No.02/2021 of Kilthan Police Station). According to the petitioner, though case registered against them are bailable offences, they have been remanded by the Executive Magistrate for no reasons.

2. The learned Standing Counsel for the Lakshadweep Island would submit that the Station House Officer and the Executive Magistrate were prepared to release them on bail. However these persons refused to get released on bail. This submission has been refuted by the learned counsel for the petitioner, Shri R.Rohith, who submits that

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no such attempt has been made by the Station House Officer and the Executive Magistrate.

3. We are not going into the merits of these aspects now. The most important concern for us is the liberty of the persons who are in custody. They shall not be deprived of the means of access to justice. It is appropriate in such circumstance to direct the CJM, Amini, to take up the case of the persons, who have been in custody pursuant to registration of the case by SHO of Kilthan Island by 3pm today. The physical production of the persons in custody is not necessary. The fourth and fifth respondent are directed to take steps for the production of accused persons before the CJM through video conference. The CJM can hold session through video conference through the nearest NIC centre or by using any other convenient mode like Google Meet, whatsapp video call etc. The CJM can order release of such persons on execution of self bond or on conditions he deems fit to impose. This order shall be communicated by the learned Standing Counsel to the Lakshadweep Administration and the

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Registrar (District Judiciary) to the CJM. In the meanwhile, a report shall be filed by the Executive Magistrate detailing the persons who have been kept in custody pursuant to registration of the case and date from which they are in custody and the offences under the penal enactments. If anyone of the persons are infected with COVID, such persons need not be produced through VC. The Medical Officer of Kilthan Island shall examine all persons in regard to their health conditions.

Post tomorrow, 2/6/2021.

**A.MUHAMED MUSTAQUE, JUDGE**

**DR.KAUSER EDAPPAGATH, JUDGE**

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