

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 25th February, 2009.

H.R.M.P.No.574/2008

Petitioner : Subaida, Kattuvilakathu Puthenveetil,
House No.69, Padmavilasam Lane,
Peroorkada.

Present address:
Athul Hotel, Moonnamood Junction,
Kodunganoor.P.O.

Respondent :

ORDER

The complaint of the petitioner is that on 30-1-2008 the Sub Inspector of Police and some Police Constables of Karamana Police Station took her into custody telling her that her elder son is involved in a case and that he is absconding. According to the complaint, the ration card, Identity Card, mobile phone etc, were taken away and later she was released. According to her, she and her younger son Rasheen appeared at the Police Station who was then enquired about her elder son Shanavas and the police was informed that her elder son Shanavas came to her house only on 20-1-2008 and that she and her younger son were detained and threatened by the police and also directed to appear on 2-2-2008 but she could not go to the Police Station as her grandson was hospitalized.

In the report submitted by the City Police Commissioner, Thiruvananthapuram, it is stated that on 23-1-2008 at 11.30 p.m. Mahesh Babu and his wife, Vaisali veed, Thycaud Village were traveling in a santro car bearing Regn No. KL-01-AL- 9427 followed by another car with Regn No.KL-01- AF-2712 and the occupants of the car bearing Regn No. No.KL-01- AF-2712 threatened Mahesh Babu who was driving the Santro car and took away the car and a mobile phone with indication number 9349998960. According to the report, on the complaint of Mahesh Babu a case in crime No.24/08 was registered at Karamana Police Station and investigation was conducted and during the investigation it came to the knowledge of the investigating officer that after the theft of the above mobile phone several calls were made to another mobile phone with indication number 9349028602 and further enquiry revealed that the owner of the mobile phone with indication number 9349028602 is Subaida (petitioner) residing at T.C. 31/1864, Chakai, Thiruvananthapuram and that further investigation revealed that the said Subaida had taken up residence at Peroorkada. According to the report, on 30-1-2008 the Sub Inspector of Police, Karamana and police party went to the petitioner's house in the above address and found the front door locked and the S I and the Police Constables noticed a person jumping and scaling the compound wall and running away from backyard and on enquiry it came to the knowledge that the person who ran away is involved in several vehicle theft cases. According to the report, the petitioner Subaida came to the house at that time and the police also found a mobile phone with indication number 9349028602, the number to which phone calls were made from the cell phone

bearing indication number 9349998960 and she promised to produce her elder son Shanavas before the Thampanoor Police Station but as she did not produce Shanavas her house was searched where they noticed a cell phone number 9349998960 written on the wall (the owner of the said cell phone number is Mahesh Babu) and that the petitioner is helping her elder son to abscond by enabling him to hide in several places. According to the report, the petitioner was summoned to the police station only to find out the whereabouts of her elder son Shanavas as several calls were made from the cell phone of Mahesh Babu which was stolen in the night of 23-1-2008. It is also stated in the report that the petitioner's son Shanavas is one of the accused in the crime registered in respect of the theft of the santro car. It is further stated in the report that the petitioner had given her name as Barkees in the ration card and as identified her name as Subaida in the electoral identity card.

The report therefore shows that the police have summoned the petitioner to know about the whereabouts of her elder son Shanavas who is an accused in crime No.24/08 registered with regard to the theft of a santro car and the petitioner had given different names to different authorities and in any event the subject matter of the petition had now become subjudiced and it is for the Court to decide the issue involved in this petition and this Commission has no jurisdiction to give any findings in the matter.

The petition is accordingly closed.

Justice N.Dhinakar,
Chairperson

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