



ITEM NO.15

COURT NO.17

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.14740/2024

[Arising out of impugned final judgment and order dated 04-09-2024 in WP CRL No. 874/2024 passed by the High Court of Kerala at Ernakulam]

DHANYA M

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(IA No. 245171/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 245170/2024 - EXEMPTION FROM FILING O.T.)

Date : 10-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Ajay Prabu S., Adv.
Mr. V.Sibi Kargil, Adv.
Ms. R. Shase, AOR
Anbu K., Adv.
Nagamanickam, Adv.

For Respondent(s) Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Amar Nath Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Vide order dated 20th June, 2024 of the District Magistrate Palakkad (Page 52) the petitioner's husband namely, Rajesh was ordered to be kept under preventive detention in prison in terms of Section 3 of Kerala Anti-Social Activities (Prevention) Act, 2007. He was declared Goonda for having violated the provisions of Kerala

Money-Lenders Act, 1958 and Kerala Prohibition of Charging Exorbitant Interest Act, 2012. The period for the detention in term of the said order is six months which is to expire on 19th December, 2024.

2. In terms of the impugned order, the High Court refused to exercise the jurisdiction under Article 226 of the Constitution of India in quashing the order passed by the District Magistrate.

3. Shri Harshad V. Hameed, learned counsel vehemently opposes the petition.

4. In our considered view, the matter requires proper construction and interpretation of the provision of the relevant Statute in terms whereof the petitioner's husband namely, Rajesh stands detained.

5. List the matter for hearing on 17th December, 2024.

6. In the meanwhile, we direct the petitioner's husband namely, Rajesh to be released forthwith.

7. We request the learned counsel for the State to immediately communicate the order to the concerned Authorities.

(RAJNI MUKHI)
COURT MASTER (SH)

(AMITA PANDEY)
COURT MASTER (NSH)