

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

TUESDAY, THE 2ND DAY OF DECEMBER 2025 / 11TH AGRAHAYANA,

1947

WP (CRL.) NO. 1613 OF 2025

PETITIONER/S:

PRAVEEN @POOCHA PRAVEEN
AGED 35 YEARS
S/O SUNDARAN, THANNIVILA PUTHANVEEDU,
TC.53/3901, LATHA NAGAR, PAZHAYA KARAKKA
MANDAPAM, PONNAMANGALAM, NEMOM VILLAGE., PIN -
695020

BY ADVS.SHRI.JERRY MATHEW
SHRI.LLOYD JOHN

RESPONDENT/S:

- 1 STATE OF KERALA REP BY THE ADDITIONAL CHIEF
SECRETARY OF GOVERNMENT OF KERALA (HOME
DEPARTMENT), SECRETARIAT, THIRUVANANTHAPURAM -
695001
- 2 DEPUTY INSPECTOR GENERAL OFFICE
DEPUTY INSPECTOR GENERAL OFFICE, TRIVANDRUM,
TRANSPROT BHAVAN BUILDING, FORT P.O, TRIVANDRUM
695 023, DEPUTY INSPECTOR GENERAL (SOUTH ZONE)
- 3 STATION HOUSE OFFICER
STATION HOUSE OFFICER NEMOM POLICE STATION NEMOM
.PO THIRUVANANTHAPURAM PIN- 695020

SRI.K.A.ANAS, G.P.

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 02.12.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



WP(CRL.) NO. 1613 OF 2025

::2::

C.R.**JUDGMENT****Jobin Sebastian, J.**

This is a writ petition filed under Article 226 of the Constitution of India, challenging Ext.P1 order of externment passed against the petitioner under Section 15(1)(a) of the Kerala Anti-Social Activities (Prevention) Act, 2007 ['KAA(P) Act' for the sake of brevity]. By the said order, the petitioner was interdicted from entering the limits of the Revenue District Thiruvananthapuram City for a period of six months from the date of the receipt of the order.

2. The records before us reveal that the Deputy Commissioner of Police, Thiruvananthapuram City, submitted a proposal for initiation of proceedings against the petitioner under Section 15(1)(a) of the KAA(P) Act, 2007, before the authorised officer, the Deputy Inspector General of Police, Thiruvananthapuram City, after considering the petitioner's recurrent involvement in criminal activities. For the purpose of initiating such proceedings, the petitioner was classified as a "known goonda" as defined under Section 2(o)(ii) of the KAA(P) Act, 2007.

3. The authority considered six cases in which the petitioner was involved while passing the externment order. The case registered



WP(CRL.) NO. 1613 OF 2025

:: 3 ::

against the petitioner in respect of the last prejudicial activity is Crime No. 552/2025 of Nemom Police Station, alleging the commission of offences punishable under Sections 20(b)(ii)(A) and 29 of the NDPS Act.

4. Heard Sri. Jerry Mathew, the learned counsel appearing for the petitioner, and Sri. K.A. Anas, the learned Government Pleader.

5. The learned counsel for the petitioner submits that Ext. P1 order was passed on an improper consideration of facts and without proper application of the mind. According to the counsel, there was an inordinate delay both in mooted the proposal and in passing the impugned order, thereby snapping the live link between the last prejudicial activity and the purpose of externment. The learned counsel further contends that the jurisdictional authority ought to have duly considered the fact that the petitioner had already executed a bond for keeping peace under Section 107 of the Cr.P.C., and that the said proceedings were sufficient to prevent the petitioner from engaging in criminal activities. According to the counsel, since those proceedings themselves were adequate to deter the petitioner from further criminal involvement, resorting to an externment order under the preventive detention law was wholly unwarranted.



WP(CRL.) NO. 1613 OF 2025

::4::

6. Per contra, the learned Government Pleader submits that the impugned order was passed by the jurisdictional authority after proper application of mind and upon arriving at the requisite objective as well as subjective satisfaction. According to the learned Government Pleader, there was no inordinate delay either in mooted the proposal or in passing the impugned order, and therefore, the petitioner cannot contend that the live link between the last prejudicial activity and the purpose of externment was snapped. It was further submitted that even after executing a bond under Section 107 of the Cr.P.C., the petitioner continued to engage in criminal activities, which justified the jurisdictional authority in passing the externment order notwithstanding the proceedings initiated under Section 107 of the Cr.P.C.

7. As evident from the records, a total of six cases formed the basis for passing Ext. P1 externment order. Out of the said cases, the case registered against the petitioner in respect of the last prejudicial activity is Crime No. 552/2025 of Nemom Police Station, alleging the commission of offences punishable under Sections 20(b)(ii)(A) and 29 of the NDPS Act. The last prejudicial activity was committed on 22.04.2025, and in that case, the petitioner was arrested and released on bail on the same day. On 28.07.2025, the Deputy Commissioner of Police, Thiruvananthapuram City, forwarded a proposal for the initiation



WP(CRL.) NO. 1613 OF 2025

::5::

of proceedings against the petitioner under the KAA(P) Act. Subsequently, a notice was issued to the petitioner on 19.08.2025, calling upon him to show cause why action under Section 15(1)(a) of the KAA(P) Act should not be taken against him. To afford the petitioner an opportunity of being heard, he was directed to appear before the jurisdictional authority. In response, the petitioner appeared before the jurisdictional authority on 30.08.2025, although no written submission was filed. After considering his oral submissions, the jurisdictional authority passed the externment order on 09.09.2025, restraining the petitioner from entering the limits of the Revenue District, Thiruvananthapuram City, for a period of six months from the date of receipt of the order.

8. The sequence of events narrated above reveals that there is no inordinate delay in passing the impugned order. We are not oblivious that there is a short delay of around three months in forwarding the proposal seeking initiation of proceedings under the KAA(P) Act against the petitioner after the date of commission of the last prejudicial activity. However, an externment order under the KAA(P) Act has a significant bearing on the personal as well as fundamental rights of an individual. Therefore, some minimum time is required to collect and verify the details of the cases in which the



WP(CRL.) NO. 1613 OF 2025

:: 6 ::

petitioner is involved and to comply with the procedural formalities. Therefore, we are of the view that the delay that occurred in this case is adequately explained, and it cannot be said that the live link between the last prejudicial activity and the purpose of the externment order is snapped.

9. Moreover, unlike in the case of a detention order passed under Section 3(1) of the KAA(P) Act, even if some delay has occurred in passing an externment order, the same has no serious bearing, as the consequences of both the orders are different, and unlike in the case of an externment order, an order of detention occasions a grave deprivation of the personal liberty of the person detained. We are cognizant that Section 15(1)(a) of the KAA(P) Act also visits the person concerned with an intrusion on his personal liberty within the limit of Article 21, especially when the said order restrains a citizen from his right to travel in any part of India. However, when a detention order under Section 3(1) of the KAA(P) Act is compared with an order of externment passed under Section 15(1)(a) of the KAA(P) Act, the latter visits a person with lesser deprivation of liberty. Therefore, the nature of proceedings under Sections 3(1) and 15(1)(a) is inherently different. In this regard, we are fortified by the decision in **Stalin C.V. v. State of Kerala and others** [2011 (1) KHC 852]. Moreover, an order under



WP(CRL.) NO. 1613 OF 2025

::7::

Section 15(1)(a) can be treated only as equivalent to a condition imposed in a bail order, especially when the same only curtails the movement of the petitioner. Consequently, we have no hesitation in holding that the minimal delay in mooted the proposal and in passing the externment order after the date of the last prejudicial activity has no serious impact at all, and the same is only liable to be discarded.

10. Another contention raised by the learned counsel for the petitioner is that, as he had already executed a bond under Section 107 of Cr.P.C., a proceeding under Section 15(1)(a) of the KAA(P) Act was not at all necessitated in this case. While considering the said contention, it is to be noted that this Court in **Anita Antony v. State of Kerala and Others** [2022 KHC OnLine 455] has held that the relative scope of the two proceedings is different and independent. Proceedings under Section 107 of the Cr.P.C, are in the nature of furnishing security for keeping peace, and the free movement of such a person is not curtailed at all. The power of externment under Section 15(1)(a) of the KAA(P) Act, on the other hand, allows an authorised officer to restrain an individual, identified as a "known goonda" or "known-rowdy" under the Act, from entering specified areas. Such an order can be issued only after affording the individual an opportunity of being heard, and if the officer is satisfied that the person is engaging in,



WP(CRL.) NO. 1613 OF 2025

::8::

about to engage in, or is likely to engage in anti-social activities. The individual must meet the statutory criteria of a "known goonda" or "known rowdy," and the officer must be objectively and subjectively satisfied that the restrictions are necessary to prevent further anti-social activities.

11. In essence, proceedings under Section 107 of the Cr.P.C. and the provisions under the KAA(P) Act operate in different spheres. At the same time, it must be borne in mind that, in a case where it is possible to prevent the petitioner from continuing his anti-social activities by means other than preventive detention or externment, the authorities are bound to adopt such alternatives rather than depriving him of his rights under Article 21 of the Constitution of India. It is for this reason that this Court, as well as the Apex Court, have held that, in cases where proceedings under Section 107 of the Cr.P.C. are initiated, the authorities should consider whether, notwithstanding the initiation of such proceedings, it is still necessary to preventively detain or extern the individual concerned. If, upon such examination, the authorities are satisfied that detention or externment is necessary, they may validly exercise their powers to do so.

12. In the case at hand, the impugned order specifically notes



WP(CRL.) NO. 1613 OF 2025

::9::

that the petitioner had executed a bond under Section 107 of the Cr.P.C. on 30.03.2024. However, the order also records that, in violation of the said bond, the petitioner became involved in two further cases, including the case relating to the last prejudicial activity. Furthermore, the impugned order expressly states that the actions taken against the petitioner under ordinary criminal laws were insufficient to prevent his recurrent involvement in criminal activities. Therefore, it is evident that the compelling circumstances necessitating the issuance of the impugned order are explicitly mentioned in the order itself.

Hence, this writ petition fails and is accordingly dismissed.

SD/-

DR.A.K.JAYASANKARAN NAMBIAR
JUDGE

SD/-

JOBIN SEBASTIAN
JUDGE

sab



WP(CRL.) NO. 1613 OF 2025

::10::

APPENDIX OF WP(CRL.) NO. 1613 OF 2025

PETITIONER EXHIBITS

Exhibit 1	TRUE COPY OF THE ORDER OF EXTERNMENT NO.NO.82/KAAPA/CP/2025/TC DATED 09.09.2025 ISSUED BY THE 2ND RESPONDENT UNDER SECTION 15(1) (A) OF KERALA ANTI SOCIAL ACTIVITIES (PREVENTION) ACT 2007
Exhibit 2	TRUE COPY OF THE SHOW CAUSE NOTICE NO. 717/GL/NPS/2025 DATED 26.06.2025 ISSUED BY RESPONDENT NO.2