

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN  
&  
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Wednesday, the 13<sup>th</sup> day of September 2023 / 22nd Bhadra, 1945  
WP(CRL.) NO. 903 OF 2023(S)

## PETITIONERS:

1. OMANAKUTTAN.M.K, AGED 48 YEARS, S/O.KRISHANKUTTY,RESIDING AT THUMBINAL ALAYAM BHAVANAM,CHERIYANAD, CHENGANNUR, ALAPPUZHA DISTRICT - 689511
2. USHA OMANAKUTTAN, AGED 46 YEARS, W/O.OMANAKUTTAN,RESIDING AT THUMBINAL ALAYAM BHAVANAM,CHERIYANAD, CHENGANNUR, ALAPPUZHA DISTRICT- 689511

## RESPONDENTS:

1. STATION HOUSE OFFICER, VANITHA POLICE STATION,THRISSUR,THRISSUR DISTRICT - 680001
2. STATION HOUSE OFFICER, CHENGANNUR POLICE STATION,CHENGANNUR, ALAPPUZHA DISTRICT - 689511
3. CITY POLICE CHIEF, THRISSUR CITY, THRISSUR- 680001
4. SAHAYATHRIKA (COMMUNITY ORGANIZATION), KALYAN RAM RESIDENCY, SHORNUR ROAD, THRISSUR-680001,REPRESENTED BY ITS PERSON-IN-CHARGE SWATHIKA

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(CrL.) the High Court be pleased to pass an interim direction, directing the 1st respondent to produce the detenu before this Hon'ble Court without any further delay.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(CrL.) and this court's order dated 08.09.23 and upon hearing the arguments of M/S G.HARIHARAN, PRAVEEN.H., K.S.SMITHA, V.R.SANJEEV KUMAR and BIJOY SAM GEORGE,Advocates for the petitioner,PUBLIC PROSECUTOR,for R1 to R3 and of M/S REBIN VINCENT GRALAN, VIMAL VIJAY, DINESH G WARRIER, Advocates for R4 the court passed the following:

ANU SIVARAMAN & C.JAYACHANDRAN, JJ.

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W.P. (Crl) No.903 of 2023  
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Dated, this the 13<sup>th</sup> September, 2023

O R D E R

Anu Sivaraman, J.

Heard the learned counsel on all sides.

2. We have interacted with the alleged detenu and the parents & sister of the alleged detenu as well as the office bearer of the 4<sup>th</sup> respondent Organisation. The alleged detenu contends that there is no illegal detention and that the 4<sup>th</sup> respondent is only aiding the alleged detenu to find her proper gender identity.

3. Having interacted with the petitioners and their children, we are of the opinion that the petitioners also require a counselling to accept the factum of the different gender identity,

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which the allged detenue seeks to express.

4. We therefore direct the Secretary, DLSA, Alappuzha to take appropriate steps to identify a proper person for interaction and counselling with petitioners for the specific purpose as stated above. The alleged detenue is permitted to return with the 4<sup>th</sup> respondent for the time being.

5. The petitioners and their elder daughter will appear before the Secretary, DLSA, Alappuzha for further steps in this regard on 20.09.2023 at 11:a.m.

Post on 03.10.2023.

Sd/-

ANU SIVARAMAN, JUDGE

Sd/-

C.JAYACHANDRAN, JUDGE

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