

Athira vs State Of Kerala on 8 October, 2026

WP(CRL.) NO. 713/2026

1 CNR : KLHC010335472026

2026:KER:77521

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 8TH DAY OF OCTOBER 2026/16TH ASWINA, 1948

WP(CRL.) NO.713 OF 2026

PETITIONER:

ATHIRA
AGED 32 YEARS
W/O.PRASANTH, ATTUVARAMBIL HOUSE, TC-22/368,
CHIRAPALAM MINI COLONY, ATTUKAL WARD, MANAKKAD,
THIRUVANANTHAPURAM, PIN - 695009

BY ADVS.
SRI.M.H.HANIS
SMT.T.N.LEKSHMI SHANKAR
SMT.NANCY MOL P.
SMT.NEETHU.G.NADH
SMT.RIA ELIZABETH T.J.
SRI.SAHAD M. HANIS
SRI.MUHAMMAD A. P.

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT, HOME AND VIGILANCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE,
THIRUVANANTHAPURAM DISTRICT, PIN - 695043

WP(CRL.) NO. 713/2026

2 CNR : KLHC010335472026

2026:KER:77521

3 THE DISTRICT POLICE CHIEF,

THIRUVANANTHAPURAM RURAL, PIN – 695033

4 THE CHAIRMAN
ADVISORY BOARD, KAAPA, SREENIVAS, PADAM ROAD,
VIVEKANANDA NAGAR, ELAMAKKARA,
ERNAKULAM DIST, PIN – 682026

5 THE SUPERINTENDENT OF JAIL,
CENTRAL JAIL, VIYYUR, PIN – 670004

BY ADV.
SRI.BIJU MEENATTOOR, SR.PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY
HEARD ON 29.09.2026, THE COURT ON 08.10.2026 DELIVERED THE
FOLLOWING:

WP(CRL.) NO. 713/2026 3 CNR : KLHC010335472026

2026:KER:77521

JUDGMENT

Dated this the 08th day of October, 2026 Syam Kumar V.M., J.

This Writ Petition has been filed challenging the detention order No.DCTVM/17922/2025-C5 dated 13.12.2025 issued against Prasanth, S/o.Sasi under [Section 3\(1\)](#) of the Kerala Anti-Social Activities (Prevention) Act, 2007 (for short 'KAA(P)A'). Petitioner is the wife of the detenu. The said detention order stands confirmed by the Government vide Exhibit P2 order bearing GO(Rt) No.640/2026/HOME dated 21.02.2026 whereby the detenu has been ordered to be detained for a period of 6 months from the date of detention. The present Writ Petition has been filed by the petitioner seeking issuance of a writ of Habeas Corpus directing the respondents to produce the detenu as well as quash the detention and confirmation order produced as Exhibits P1 and P2 respectively.

2. After admitting the W.P.(Crl.) into file, this Court, WP(CRL.) NO. 713/2026 4 CNR : KLHC010335472026 2026:KER:77521 by order dated 30.06.2026, directed the learned Public Prosecutor to file a statement. Pursuant thereto, the learned Public Prosecutor filed a memo on 09.07.2026 along with statement of facts. Since it was deemed necessary to have a closer scrutiny of the records and procedures undertaken by the authorities leading to Exhibits P1 and P2 orders, we had directed the learned Public Prosecutor to produce the relevant documents and the opinion of the Advisory Committee in a sealed envelope. Pursuant to the said direction, a sealed cover has been produced containing the 'Report and Opinion dated 09.02.2026 of the Advisory Board in R.C. No. 578/2025 which concerns the detenu as well as the connected details of the proceedings held by the Advisory Board.

3. Pleadings in the matter thus being complete, we proceeded to hear the learned counsel Mr.M.H.Hanis, Advocate appearing for the petitioner and Mr.Biju Meenattoor, learned Senior Public Prosecutor appearing for the respondents.

4. The learned counsel for the petitioner submitted WP(CRL.) NO. 713/2026 5 CNR : KLHC010335472026 2026:KER:77521 that Exhibits P1 and P2 orders are illegal, arbitrary and hence liable to be quashed. It is contended that the said orders have been rendered in a mechanical fashion without applying mind to the relevant aspects as disclosed from the records. Non consideration of relevant materials and non compliance with the mandatory statutory requirements under the KAA(P)A are also alleged by the learned counsel. It is contended that Exhibit P1 detention order does not reveal compliance with [Section 3\(3\)](#) of the KAA(P)A whereby the entire records ought to have been forthwith forwarded to the Government and to the State Police Chief for detailed verification. Non supply of legible copies of the documents which had been relied on for rendering Exhibit P1 order is also pointed out by the learned counsel contending that such non supply of legible documents and all

documents relied upon have substantially prejudiced the interests of the detenu. The delay in consideration of Exhibit P3 representation dated 10.01.2026 preferred by the petitioner before the 1st respondent is termed by the learned counsel WP(CRL.) NO. 713/2026 6 CNR : KLHC010335472026 2026:KER:77521 for the petitioner as a violation of the constitutionally guaranteed rights of the detenu and protected under [Article 22 \(5\)](#) of the Constitution. Reliance is placed on the dictum laid down in [K.M.Abdulla Kunhi v. Union of India](#) [(1991) 1 SCC 476] and [Golam Biswas v. Union of India and another](#) [(2015) 16 SCC 177].

5. The learned counsel also contended that several documents relied upon by the detaining authority, including First Information Statements, FIR and final report in Crime No.888 of 2020 of Fort Police Station, FIS and witness statements in Crime No.1548 of 2022 and Crime No.1628 of 2022 of Fort Police Station, Order dated 05.01.2023 under [Section 15\(1\)\(b\)](#), and bail order in Crime No.562 of 2024, were supplied only in illegible form. It was argued that the supply of illegible copies effectively deprived the detenu of his constitutional right to make an effective representation against the order of detention, thereby vitiating the entire proceedings.

6. According to the learned counsel, if the order of WP(CRL.) NO. 713/2026 7 CNR : KLHC010335472026 2026:KER:77521 detention is not approved by the Government within twelve working days from the date of detention, or if the order of confirmation is not passed within three months from the date of detention, the detenu becomes entitled to be released in accordance with the constitutional mandate. It is further submitted that Exhibit P1 does not mention the constitutional time limits prescribed under [Article 22\(4\)](#) of the Constitution of India. The omission to specify these mandatory time limits in Exhibit P1, it was argued, renders the detention order legally unsustainable. In support of the said contention, reliance was placed on the decision in [Manju Ramesh Nahar v. Union of India](#): [(1999) 4 SCC 116]. It is further submitted that the detaining authority was not aware about the fact that it was while undergoing custody in the last prejudicial activity that the detenu was arrested in Crime No.2109 of 2025 of Fort Police Station registered alleging commission of offence punishable under [Section 15\(4\)](#) read with [Section 19](#) of KAA(P)A on 05.11.2025. It is also contended that compelling circumstances to book the detenu WP(CRL.) NO. 713/2026 8 CNR : KLHC010335472026 2026:KER:77521 even while he was in custody had not been explained and the triple test [laid down in Kamarunnissa v. Union of India and another](#) [(1991) 1 SCC 128] has not been met. The learned counsel for the petitioner thus seeks to quash Exhibits P1 and P2 orders and to allow the W.P.(Crl) as prayed for.

7. Per contra, the learned Senior Public Prosecutor stoutly refuted the contentions put forth by the counsel for the petitioner and submitted that all statutory requirements had been complied with while issuing Exhibits P1 and P2 orders. It is submitted that the petitioner's husband i.e., the detenu is a "Known Rowdy" as defined under [Section 2\(p\)\(iii\)](#) of the KAA(P) Act. He had been involved in 10 criminal cases during the period from 2019 to 2025 and his activities were prejudicial to the maintenance of the public order and had endangered the safety and peaceful life of the public necessitating the authorities to initiate action as envisaged under [Section 3](#) of the KAA(P) Act. The learned Senior Public Prosecutor submits that 10 criminal cases in which the detenu had been involved included offences punishable under WP(CRL.) NO. 713/2026 9 CNR : KLHC010335472026 2026:KER:77521 [Sections 307, 323, 324, 341, 326, 294\(b\), 308, 354, 451](#) and [506\(ii\)](#) of the IPC read with [Section 34](#) of the IPC as well as under Sections 189, 191, 190, 126, 127 and 296(b) of BNS. The said 10 cases, according to the learned Senior Public Prosecutor falls under the provisions of Clause 2(p)(iii) of the KAA(P) Act and the detenu comes under the ambit of [Section 2\(t\)](#) of the KAA(P) Act which in turn are anti-social activities falling under [Section 2\(a\)](#) of the Act.

8. It is submitted that the detenu is a habitual offender and that an order under [Section 15\(1\)\(b\)](#) of the KAA(P) Act was passed against him on 05.01.2023. However, the detenu continued to indulge in anti-social activities, and consequently, another order under [Section 15\(1\)](#) of the Act was passed against him on 26.04.2025. A restriction order under [Section 15\(1\)\(a\)](#) of the KAA(P) Act was thereafter issued against him. Despite the said restriction order, the detenu continued his illegal activities and was involved in the last prejudicial crime, i.e., Crime No.2108 of 2025 of Fort Police Station, registered on 17.10.2025, in which he was arrested WP(CRL.) NO. 713/2026 10 CNR : KLHC010335472026 2026:KER:77521 on 18.10.2025. Subsequently, Crime No.2109 of 2025 was registered against him on 05.11.2025 under [Section 15\(4\)](#) read with [Section 19](#) of the KAA(P) Act for violation of the restriction order. It is further submitted that proceedings under [Section 107](#) of the Cr.P.C. had also been initiated against the detenu on 21.11.2020; however, he did not execute the requisite bail bond, owing to the prevailing Covid- 19 pandemic. The repeated involvement of the detenu in anti- social activities, including

his violation of the restriction order issued under [Section 15\(1\)\(a\)](#) of the KAA(P) Act, demonstrates that ordinary magisterial proceedings have proved insufficient to prevent him from continuing his anti-social activities.

9. It is submitted that all the earlier preventive measures did not deter the detenu from committing further crimes and it was after examining carefully the case of the detenu afresh with reference to the relevant records including the opinion of the Advisory Board that the Government had confirmed the detention under [Section 10\(4\)](#) of the KAA(P)A. The contention that there was no live and proximate link WP(CRL.) NO. 713/2026 11 CNR : KLHC010335472026 2026:KER:77521 between the last prejudicial act and the delay in issuance of the detention order is denied.

10. The learned Sr.Public Prosecutor further submitted that the Government approved the order of detention under [Section 3\(3\)](#) of the KAA(P)A within the prescribed time. It is submitted that the petitioner, Smt.Athira, thereafter preferred a representation dated 10.01.2026 before the Government. Since the proposal had already been forwarded to the Advisory Board, the Government, by letter No.SSA5/483/ 2025-Home dated 29.12.2025, directed the detaining authority to furnish legible copies of the relevant documents to the detenu, if necessary, and also forwarded the representation to the Advisory Board on the same day. It was contended that, in view of the decision of the Hon'ble Supreme Court in [Golam Biswas v. Union of India and Another](#) (supra), the Government could not have considered the representation while the matter was pending before the Advisory Board. It is further submitted that the Advisory Board heard the detenu, his counsel, and the representatives WP(CRL.) NO. 713/2026 12 CNR : KLHC010335472026 2026:KER:77521 of the sponsoring and detaining authorities, and submitted its report to the Government within the statutory period of nine weeks from the date of detention. As per Report R.C. No.578/2025 dated 09.02.2026, the Advisory Board opined that there existed sufficient cause for the detention of the detenu. Thereafter, the Government independently considered the representation submitted on behalf of the detenu along with the entire records and found no merit in the contentions raised therein. Consequently, the representation was rejected and the order of detention was confirmed under [Sections 10\(4\)](#) and [12](#) of the Act by G.O.(Rt.) No.640/2026/HOME dated 21.02.2026, directing that the detenu be detained for a period of six months from the date of detention. The order of confirmation was communicated to the detenu through the Superintendent of Central Prison, Viyyur.

11. The learned Sr.Public Prosecutor further submitted that all the 10 criminal cases registered against the detenu were duly taken into consideration by the detaining authority while issuing the order of detention. It is contended that WP(CRL.) NO. 713/2026 13 CNR : KLHC010335472026 2026:KER:77521 Exhibit P1 detention order sets out the grounds of detention in detail and specifically records the impact of the detenu's activities on the maintenance of public order. According to the learned Public Prosecutor, the materials placed before the detaining authority clearly justify the subjective satisfaction arrived at by it that the activities of the detenu were prejudicial to the maintenance of public order and warranted his preventive detention. It is further submitted that the detention of the detenu was necessary to preserve peace and tranquillity in the locality, as his continuous involvement in anti-social activities had endangered the life and safety of the public, created a sense of fear and insecurity among the residents of the locality and adjoining areas, and disturbed public order. It is contended that the offences attributed to the detenu fall within the ambit of [Section 2\(t\)\(i\)](#) and (ii) of the KAA(P)A, and consequently, he squarely answers the description of a "known rowdy" under [Section 2\(p\)\(ii\)](#) of the Act. It was, therefore, submitted that Exhibit P1 order of detention and Exhibit P2 order of approval are legal, valid WP(CRL.) NO. 713/2026 14 CNR : KLHC010335472026 2026:KER:77521 and fully justified in law. Reliance is placed on the dictum [Haradhan Saha and another v. State of West Bengal and others](#) [(1975) 3 SCC 198]; [Hemlata Kantilal Shah v. State of Maharashtra](#) : [(1981) 4 SCC 647]; [Union of India v. Dimple Happy Dhakad](#) : [(2019) 20 SCC 609]. It is thus submitted by the learned Public Prosecutor that there is no reason to interfere with Exhibits P1 and P2 orders and that the W.P.(Crl.) is only to be dismissed.

12. We have heard both sides in detail and have considered the respective contentions put forth. We have also perused the report of the Advisory Board along with the 'Reasons for its opinion', and the 'Proceedings of the Advisory Board' produced by the learned Public Prosecutor in a sealed envelope. We note that the Advisory Board had heard the detenu, the counsel for the detenu, the representatives of the sponsoring authority and the detaining authority on 05.02.2026. After an elaborate consideration of the contentions put forth on behalf of the detenu as well as for the State, the Advisory Board had provided its opinion. WP(CRL.) NO. 713/2026 15 CNR : KLHC010335472026 2026:KER:77521

13. The following questions arise for our consideration:

(1) Whether the fact that the detenu was in judicial custody in connection with the last prejudicial activity constituted a legal impediment to the passing of an order of preventive detention, and whether the Detaining Authority had satisfied the requisite conditions for passing such an order against a person already in custody?

(2) Whether the orders issued and proceedings initiated against the detenu are vitiated for the reason of non supply of relied on documents and legible copies of documents?

14. It is based on a proposal dated 17 th November, 2025 submitted by the Deputy Commissioner of Police (L&O), Thiruvananthapuram City, (the Sponsoring Authority), that the proceeding under [Section 3\(1\)](#) of the KAA(P)A was initiated. In its proposal, the Deputy Commissioner of Police (L&O) has detailed the involvement of the detenu in ten cases, all of which were pending before the jurisdictional court for trial and the last crime registered against the detenu is under investigation. The details of the cases in which the petitioner got himself involved are as under:

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1. 1177/2019 of 11.05.2019 451,341,323 & 354 [IPC](#) 30.06.2019 Fort PS

2. 888/2020 of Fort 25.04.2020 294(b),341,323,324 & 34 [IPC](#) 20.08.2020 PS

3. 22/2021 of Fort 03.01.2021 294(b),506,354 A(1)(ii), 354 03.03.2021 PS A(1)(iv) & 34 [IPC](#)

4. 310/2021 of Fort 22.02.2021 294(b),506,324,307 & 34 [IPC](#) 23.02.2022 PS

5. 1209/2021 of 18.06.2021 294(b), 506 (ii),341,324,326 27.09.2021 Fort PS [IPC](#)

6. 1548/2022 of 07.11.2022 294(b), 506(i) & 34 [IPC](#) 19.11.2022 Fort PS

7. 1628/2022 of 23.11.2022 294(b),323,308 & 34 [IPC](#) 13.02.2023 Fort PS

8. 562/2024 of Fort 13.04.2024 294(b),323,341,324,326,308 20.08.2024 PS & 34 [IPC](#)

9. 1421/2024 of 08.12.2024 189(2),191(2),190,296(b), 08.02.2025 Karamana PS
126(2),127(2),115(2),351(2), 140(3) of BNS

10. 2108/2025 of 17.10.2025 296(b),126(2),351(3),118(1), Under Fort PS 110, 238(c) of BNS
Investigation There are altogether 10 cases against the detenu as per the above table and the criminal activities involved by the detenu involve the offences registered under BNS and [IPC](#) from the year 2019 to 2025 and the offences are serious in nature.

15. The first question that arises for consideration is whether there exists any legal impediment in passing an order of preventive detention while the detenu is in judicial custody in connection with the last prejudicial activity. When a detenu is already in custody, the mandatory parameters WP(CRL.) NO. 713/2026 17 CNR : KLHC010335472026 2026:KER:77521 [laid down by](#) the Hon'ble Supreme Court in [Kamarunnissa v. Union of India](#) (supra) for passing an order of preventive detention against a person already in custody are required to be satisfied, namely: (i) the Detaining Authority must be aware of the fact that the detenu is in custody; (ii) there must be reliable material indicating a real possibility of the detenu being released on bail; and (iii) there must be a necessity to prevent the detenu from indulging in prejudicial activities upon such release.

16. According to the petitioner, there were no compelling circumstances warranting the preventive detention of the detenu when he was already in judicial custody in connection with the last prejudicial activity. We are unable to accept the said contention.

17. On a perusal of the materials placed before us, it is evident that the first requirement, namely, that the Detaining Authority must be aware of the fact that the detenu is already in custody, has been duly satisfied. The detention order specifically records the fact that the detenu was in WP(CRL.) NO. 713/2026 18 CNR : KLHC010335472026 2026:KER:77521 judicial custody in connection with the last prejudicial activity. As regards the second requirement, namely, the existence of a real possibility of the detenu being released on bail, the materials disclose that the detenu had already moved a bail application in connection with the last prejudicial activity on 24.11.2025. The Detaining Authority has also recorded cogent reasons, with reference to the antecedents of the detenu and the circumstances obtaining in the earlier cases, for arriving at the subjective satisfaction that there existed a real possibility of his securing release on bail.

18. The third requirement, namely, the likelihood of the detenu indulging in prejudicial activities upon such release, is also satisfied in the facts of the present case. As many as ten cases were taken into consideration by the Detaining Authority while passing the detention order. In Crime Nos.1177 of 2019, 888 of 2020, 22 of 2021 and 1548 of 2022 of Fort Police Station, the detenu was arrested and subsequently released on station bail. In Crime Nos. 310 of WP(CRL.) NO. 713/2026 19 CNR : KLHC010335472026 2026:KER:77521 2021, 1628 of 2022 and 562 of 2024 of Fort Police Station and Crime No.1421 of 2024 of Karamana Police Station, the detenu was granted regular bail by the respective courts, subject to conditions, including a condition that he shall not involve himself in any further crime while on bail. The materials placed before us, however, disclose repeated instances of the detenu involving himself in further criminal activities while enjoying the benefit of bail. Thus, after being granted bail in Crime No.310 of 2021 of Fort Police Station on 30.04.2021, the detenu was involved in Crime No.1209 of 2021. Likewise, while on bail in Crime No.1628 of 2022 of Fort Police Station, he was involved in Crime No.562 of 2024 and thereafter, while continuing on bail, in Crime No.1421 of 2024 of Karamana Police Station. It was thereafter, while on bail, that he was involved in Crime No.2108 of 2025, which constitutes the last prejudicial activity. In the interregnum, an Externment Order under [Section 15\(1\)\(a\)](#) of the KAA(P)A was also issued against him on 26.04.2025, and Crime No.2109 of 2025 was registered against him under Section WP(CRL.) NO. 713/2026 20 CNR : KLHC010335472026 2026:KER:77521 15(4) read with [Section 19](#) of the KAA(P)A for violation of the said externment order.

19. The detention order specifically takes note of the past conduct and criminal antecedents of the detenu and records the satisfaction that there was every likelihood of his securing release on bail on technical or other legal grounds. The Detaining Authority has also taken into consideration the consistent pattern of conduct exhibited by the detenu, namely, his involvement in further prejudicial activities after securing release on bail in the earlier cases. The materials further disclose that the detenu continued to involve himself in criminal activities even after preventive measures had been taken against him. In particular, despite the issuance of restriction orders under [Sections 15\(1\)\(b\)](#) and [15\(1\)\(a\)](#) of the KAA(P)A and security proceedings [u/s 107](#) CrPC, the detenu continued to indulge in prejudicial activities, including the last prejudicial activity, while on bail in the earlier cases.

20. The above circumstances furnish objective material for the apprehension entertained by the Detaining Authority WP(CRL.) NO. 713/2026 21 CNR : KLHC010335472026 2026:KER:77521 that, if released from custody, the detenu was likely to again indulge in activities prejudicial to the maintenance of public order. Such apprehension cannot, in the facts and circumstances of the present case, be characterised as merely speculative or unsupported by material. The repeated violation of bail conditions and the continued involvement of the detenu in prejudicial activities despite the earlier preventive measures are relevant circumstances supporting the subjective satisfaction of the Detaining Authority.

21. We are, therefore, satisfied that the parameters [laid down by](#) the Apex Court in [Kamarunnissa](#) (supra), for passing an order of preventive detention against a person already in custody, stand duly satisfied in the present case. The Detaining Authority was justified in arriving at the satisfaction that the existing bail conditions and the earlier preventive measures had not deterred the detenu from pursuing his prejudicial activities and that his release would expose the maintenance of public order to a further threat. We find no merit in the contention raised by the petitioner on WP(CRL.) NO. 713/2026 22 CNR : KLHC010335472026 2026:KER:77521 this ground. Accordingly, the same is rejected.

22. We shall now proceed to consider the next contention raised by the petitioner, namely, that several of the documents relied upon by the Detaining Authority and furnished to the detenu along with the detention order

were illegible, thereby depriving him of an effective opportunity to make a representation against the order of detention. On this ground of non-supply of legible copies to the detenu, it was submitted by the petitioner that, at the time of execution of the detention order, certain copies of the relevant documents furnished to the detenu that is the Externment Order under [Section 15\(1\)\(b\)](#) dated 05.01.2023, FIR, FIS and Final Report in Crime No. 888 of 2020 of Fort Police Station. FIS and witness Statements in Crime No. 1548 of 2022 of Fort Police Station, second page of FIS in Crime No.1628 of 2022 of Fort Police Station. Bail order in Crime No.562 of 2024 were illegible, thereby depriving him of an effective opportunity to make a meaningful representation. This Court while considering a similar issue, in *Aleena Alex v. State of WP(CRL.) NO. 713/2026 23 CNR : KLHC010335472026 2026:KER:77521 Kerala and others (2026 SCC OnLine Ker 5459)* has held as follows:

"8.As rightly pointed out by the learned counsel for the petitioner, and as is apparent from the original documents produced before us pursuant to our direction in a sealed cover, certain pages of the Exhibit P1 order that had been furnished to the detenu were illegible and could not be read. The specific reference made by the learned counsel to page Nos.33, 34 and 35 of Exhibit P1 in the W.P. (Crl.) being illegible and unreadable is found to be factually correct upon our perusal of the original records produced before us. It is trite and settled that unless a legible copy is provided to the detenu, he may not be able to exercise his right to respond to the same by way of a representation/explanation validly and adequately. Reliance placed by the learned counsel for the petitioner on the dictum laid down by the Honourable Supreme Court in this respect is valid and tenable....."

23. Similarly, the Hon'ble Supreme Court in [Pramod Singla v. Union of India](#) [(2024) 19 SCC 791], has held that:

"34. In cases where illegible documents have been supplied to the detenu, a grave prejudice is caused to the detenu in availing his right to send a representation to the relevant authorities, WP(CRL.) NO. 713/2026 24 CNR : KLHC010335472026 2026:KER:77521 because the detenu, while submitting his representation, does not have clarity on the grounds of his or her detention. In such a circumstance, the relief under [Article 22\(5\)](#) of the Constitution of India and the relevant statutory provisions allowing for submitting a representation are vitiated, since no man can defend himself against an unknown threat." (emphasis supplied)

24. It is also pertinent to refer to the case of *Sneha Vijayan v. State of Kerala (2025 SCC OnLine Ker 695)*, wherein it was held as follows:

"12. The Hon'ble Supreme Court in [State of Manipur v. Buyamayum Abdul Hanan](#) (2022 SCC OnLine SC 1455) while considering a detention order passed under [PITNDPS Act](#) held that:

"The right of personal liberty and individual freedom which is probably the most cherished is not, in any manner, arbitrarily to be taken away from him even temporarily without following the procedure prescribed by law and once the detenu was able to satisfy while assailing the order of the detention before the High Court in the exercise of jurisdiction [Art.226](#) of the Constitution holding that the grounds of detention did not satisfy the rigors of proof as a foundational effect which has enabled him in making effective representation in assailing the order of detention in view of the protection provided under [Art.22\(5\)](#) of the Constitution the same renders the order of detention illegal."

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13. In the case at hand, it is established that the copies supplied on the detenu were not legible making him incapacitated to file an effective representation. The said serious lapse is a ground to interfere with the impugned order. An order of detention, under KAA(P) Act has wide ramifications as far as the personal as well as the fundamental rights of an individual are concerned. Therefore, the detaining authority should have acted with much alacrity in ensuring that all the procedural formalities are adhered to."

(emphasis supplied)

25. However, in order to verify the correctness of the contention that the copies of the relied-upon documents furnished to the detenu were illegible, we have ourselves perused the relevant pages made available before us. On such perusal, we are satisfied that the copies of the documents in question are sufficiently legible and readable. It is also pertinent to note that the acknowledgment furnished by the detenu records that the copies supplied to him were legible. In the above circumstances, we find no merit in the contention of the learned counsel for the petitioner that the documents furnished to the detenu were illegible. Further, the materials disclose that the detenu had, on 10.01.2026, WP(CRL.) NO. 713/2026 26 CNR : KLHC010335472026 2026:KER:77521 submitted a representation before the 1st respondent-State as well as before the 4th respondent-Advisory Board, and the same was duly considered and dismissed. This would also indicate that the alleged illegibility of the documents had not, in the facts of the present case, prevented the detenu from making an effective representation against the order of detention. We are, therefore, unable to accept the contention that the alleged illegibility of the documents resulted in denial of the detenu's constitutional right to make an effective representation. The said contention is accordingly rejected.

26. Having considered the rival submissions and having carefully perused the entire materials placed before us, we find that none of the grounds raised by the petitioner warrants interference with the impugned order of detention. We have also found that the detenu was furnished with the grounds of detention and the relied-upon documents in the language known to him and that the specific pages alleged to be illegible are, on our perusal, legible and readable. The reliance placed by the Detaining Authority on the criminal WP(CRL.) NO. 713/2026 27 CNR : KLHC010335472026 2026:KER:77521 antecedents of the detenu, including the cases considered in the earlier preventive detention proceedings, along with his subsequent involvement in further offences cannot be said to vitiate the subjective satisfaction recorded in the impugned detention order.

In the result, the writ petition fails and is, accordingly, dismissed. The impugned order of detention, Exhibit P1 dated 13th December, 2025, and the subsequent order of confirmation dated 21st February, 2026, are upheld. There will be no order as to costs.

Sd/-

SOUMEN SEN CHIEF JUSTICE Sd/-

SYAM KUMAR V.M. JUDGE cs/SL WP(CRL.) NO. 713/2026 28 CNR : KLHC010335472026 2026:KER:77521 APPENDIX OF WP(CRL.) NO. 713 OF 2026 PETITIONER'S EXHIBITS Exhibit P1 A TRUE COPY OF THE ORDER NO.DCTVM/17922/2025-C5 DATED 13.12.2025 OF THE 2ND RESPONDENT Exhibit P2 A TRUE COPY OF THE G.O(RT).NO.640/2026/HOME DATED 21.02.2026 Exhibit P3 A TRUE COPY OF THE REPRESENTATION DATED 10.01.2026 SUBMITTED BEFORE THE 1ST RESPONDENT Exhibit P4 A TRUE COPY OF THE REPRESENTATION DATED 10.01.2026 SUBMITTED BEFORE THE 4TH RESPONDENT Exhibit P3 A true copy of the English Translation of the representation dated 10.01.2026 submitted before the 1st respondent Exhibit P1 A true copy of the English Translation of the order No.DCTVM/17922/2025-C5 dated 13.12.2025 of the 2nd respondent