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Kerala

Muthanga police torture case: Kerala court rejects State appeal, orders Rs 12.5 lakh compensation

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Kerala police charging against Adivasi's protesting at Muthanga File photo | Express

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THIRUVANANTHAPURAM: In a setback to the LDF government, the Kalpetta Additional District Judge-II court has dismissed the appeal filed by the state against the compensation awarded to police custodial torture victim K.K. Surendran, in connection with the **Muthanga Adivasi protest** and the subsequent police action during the tenure of the **A.K. Antony-led UDF government**. The court has enhanced the compensation awarded by the trial court from Rs 5 lakh to Rs12.50 lakh.

The arrest and custodial violence against K.K. Surendran, then a senior lecturer at the District Institute of Education and Training (DIET) and a resident of Kuppadi in Sultan Bathery, had drawn public attention, and the Opposition CPM had made it a campaign issue in the Assembly elections. The incident that formed the basis of the case occurred

on February 22, 2003, three days after the Muthanga police firing. Later, the Central Bureau of Investigation (CBI) gave Surendran a clean chit in the three cases registered against him.

According to court documents, police officials forcibly entered the DIET office, abused Surendran in filthy language, dragged him by the collar into a police jeep, and subjected him to brutal custodial violence.

The court pronounced its order on March 16 after considering eight issues, including whether custodial injuries were proven, whether the state was liable for the acts, and whether the compensation awarded was adequate.

The court stated that Surendran was subjected to custodial torture by police officials, based on an examination of medical records, and upheld the trial court's findings. "The injuries were caused in the course of torture. The state has failed to discharge its liability," the court observed.

The court also held that, in this case, the doctrine of sovereign immunity does not apply to the state. The arrest, detention, and torture of a citizen by police officers acting in the course of their employment, even if they exceeded their authority, is a matter for which the state must answer, the order observed. "The infliction of torture upon a citizen is a grievous violation of the fundamental right to life and personal liberty, and of the right against torture implicit therein," it said.

While enhancing the compensation, the court also cited the [Nambi Narayanan vs Siby Mathews case](#). The amount was increased after considering five factors, including the shock, pain, and mental suffering caused by the illegal arrest and 11-hour detention, physical injury and hearing impairment, loss of reputation, loss of amenities and enjoyment of life, and treatment expenses.

While delivering the verdict, the court directed the state to pay compensation of Rs12.50 lakh, with interest at six per cent per annum, within three months. The state was also directed to recover the amount from the accused, P. Viswambaran and V. Devaraj. Earlier the Central Bureau of Investigation (CBI) had exonerated Surendran from the three cases registered against him.