

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2015

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THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1735 of 2015

S.Vijayalakshmi

... Petitioner/Wife of
the Detenu

-v-

The State represented by

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
- 2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore,
Chennai-600 008.
- 3.The Superintendent of Police,
Central Prison,
Puzhal II, Chennai.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to produce the petitioner's husband, the detenu Surya @ Nedunkunram Surya, aged 27 years, son of Kutty, a remand prisoner detained at Central Prison, Puzhal II, Chennai, before this Court from the illegal custody of the third respondent and set him at liberty forthwith.

For Petitioner : Mr.S.Manoharan

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

2.This petition has been filed under Article 226 of the Constitution of India seeking an order in the nature of Habeas Corpus, directing the respondents to cause production of her husband Surya @ Nedunkunram Surya, aged 27 years, Son of Kutty, a remand prisoner detained at Central Prison, Puzhal II, Chennai, before this Court, who is in the illegal custody of the third respondent and to set him at liberty.

3.Per contra, learned Additional Public Prosecutor has referred a counter filed by the Inspector of Police, S-13, Chrompet Police Station, Chennai, wherein the details of cases pending against the detenu are given. As per the counter filed by the Inspector of Police (it shows that) the detenu Surya @ Nedunkundram Surya, was arrested and remanded by the Tambaram Police Station in Crime No.484 of 2015 for the offence under Sections 341, 294(b), 336, 392, 397 and 506(ii) IPC and was confined in Central Prison, Puzhal. For the purpose of arrest of the detenu in S-13, Chrompet Police Station, in Crime No.523 of 2015, P.T.Warrant was issued on 13.05.2015 by the Judicial Magistrate, Tambaram. Based on the above P.T.Warrant, on 14.05.2015, the detenu was arrested and produced before the Judicial Magistrate, Tambaram and he was remanded to judicial custody for this case. After completion of the elaborate investigation of this case, on 25.06.2015, Mr.Pandiarajan, Sub Inspector of Police, laid charge sheet against four accused persons including the detenu and the same was taken on file by the Judicial Magistrate, Tambaram, in C.C.No.327 of 2015 on 22.07.2015. The next hearing date is 21.08.2015 for issuing copies to the accused persons.

4.Since the above said cases are registered against the detenu, it is open to the petitioner and the detenu to seek remedy before the appropriate forum or otherwise.

5. As there is no illegal detention, we are of the view that this Habeas Corpus Petition itself is not sustainable. In view of the same, we find just and reasonable to dismiss the petition.

6. Accordingly, this Habeas Corpus Petition is dismissed. It is made clear that the petitioner and the alleged detenu have to work out their remedy before the appropriate forum in accordance with law.

-s/d-
Assistant Registrar(J)
dt:01/09/2015

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
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Chennai-600 009.
2. The Additional Director General of Prison,
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Egmore,
Chennai-600 008.
3. The Superintendent of Police,
Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

सत्यमेव जयते

H.C.P. No.1735 of 2015

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