

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE B.RAJENDRAN

H.C.P. No.1835 of 2015

A.Rajendiran

... Petitioner

-v-

1.State rep. by

The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.State rep. by

The Inspector of Police,
Central Crime Branch (CCB),
(Team XVIII)

Vepery, 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 2nd respondent herein to produce the petitioner's brother viz. Shivashankar, aged about 39 years, son of Arumugam, who is under the illegal custody of the 2nd respondent herein and to set him at liberty forthwith.

For Petitioner : Mr.K.M.Balaji

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

O R D E R

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

This petition has been filed by the petitioner/brother of the detenu Shivashankar, aged about 39 years, son of Arumugam, who is under the illegal custody of the 2nd respondent herein and to cause production of his brother before this Court and to set him at liberty.

2.It is seen that the petitioner himself stated in the affidavit that the alleged detenu Shivashankar, who was the brother of the petitioner, was arrested in connection with the case in Crime No.162 of 2015 for an offence under Sections 420, 462, 468 and 471 of IPC.

3. When there is a criminal case registered against the alleged detenu, it cannot be construed as a illegal detention. As there is no illegal detention and the alleged detenu has been remanded to judicial custody, pursuant to the criminal case, we are of the view that the petition is liable to be dismissed.

4. It is made clear that it is open to the petitioner to seek appropriate remedy, according to law.

5. With the above observation, this petition is dismissed.

vga

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.
2. The Inspector of Police,
Central Crime Branch (CCB),
(Team XVIII)
Vepery, Chennai.
3. The XX Metropolitan Magistrate(i/c)
Corporation Building, Periamet,
Chennai.
4. The Chief Judicial Magistrate,
Egmore, Chennai.
5. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+ 1 cc Mr.K.M.Balaji, Advocate SR 41699

gj(co)
prk2/9

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