

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2015

CORAM

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

H.C.P. No.1959 of 2015

N.Parthasarathy

... Petitioner/father of  
the detenu

-v-

1.The Director General of Police,  
Tamilnadu Police,  
Kamaraj Salai,  
Chennai.

2.The Commissioner of Police,  
Chennai City,  
Vepery, Chennai.

3.The Deputy Commissioner of Police,  
Gangster Team,  
Central Crime Branch,  
Vepery, Chennai.

4.The Superintendent of Police,  
Kancheepuram District,  
Kancheepuram.

... 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 1 and 2 to produce the body of the detenu Manikandan @ C.D.Mani, son of Parthasarathy, aged about 32 years, before this Court and set him at liberty.

For Petitioner : Mr.Devendiran

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 petitioner's son, namely, Manikandan @ C.D.Mani, male, aged about 32 years, before this Court and to set him at liberty.

3.It is submitted by the learned Additional Public Prosecutor that the alleged detenu was arrested in connection with a case in Cr.No.2229 of 2015 on the file of J-2, Police Station, Adyar, for the offence under Section 147, 148, 307, 506(ii) IPC and Section 25(1)(a) of Arms Act. Since the alleged detenu was arrested and detained by a judicial order, we are of the view that there is no illegal detention and the Habeas Corpus Petition itself is not legally maintainable according to law.

4.In view of the above, this Habeas Corpus Petition is dismissed. However, it is made clear that the petitioner and the alleged detenu have to work out their remedy before the appropriate forum, according to law.

-Sd/-

Asst.Registrar(J)

/true copy/

Sub Asst. Registrar

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To

1.The Director General of Police,  
Tamilnadu Police,  
Kamaraj Salai,  
Chennai.

2.The Commissioner of Police,  
Chennai City,  
Vepery, Chennai.

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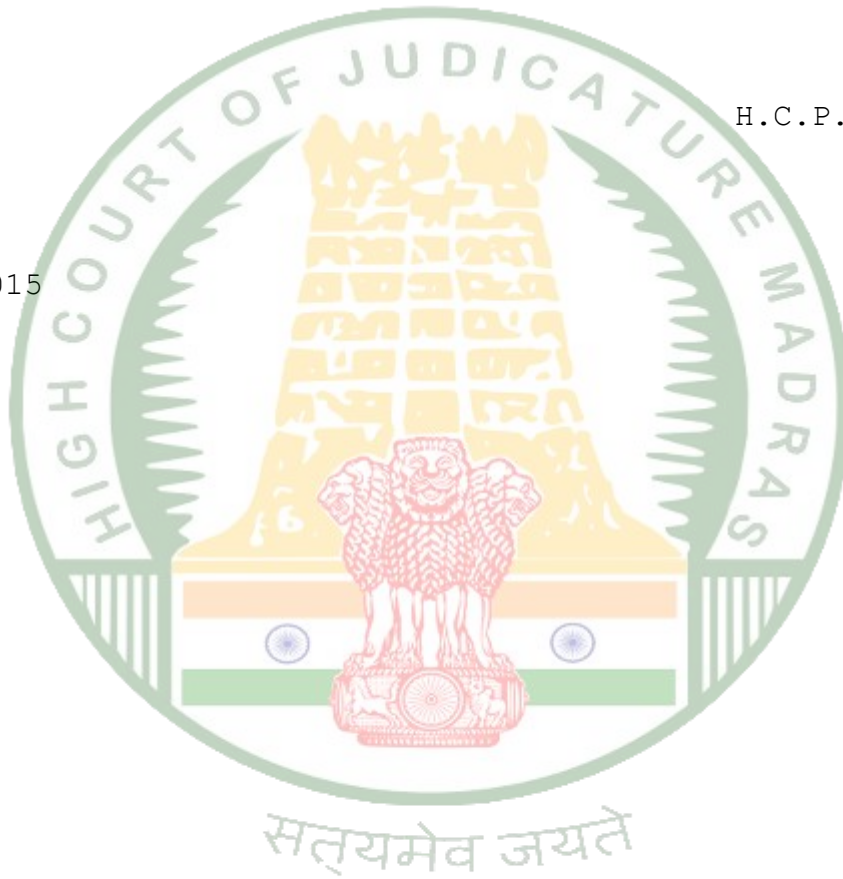
3.The Deputy Commissioner of Police,  
Gangster Team,  
Central Crime Branch,  
Vepery, Chennai.

4.The Superintendent of Police,  
Kancheepuram District,  
Kancheepuram.

5.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

H.C.P. No.1959 of 2015

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