

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 252 OF 2015

Ravi

...Petitioner

- Vs -

1. The State of Tamil Nadu
rep. by its Secretary
Department of Home
Fort St. George
Chennai 600 009.
2. The District Superintendent of Police
Thiruvarur District,
Thiruvarur.
3. The Inspector of Police
Town Police Station
Thiruvarur District,
Thiruvarur.

...Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the petitioner's son, Prabhakaran, aged 25 years before this Court and set him at liberty.

For Petitioner : Mr. R.Sankarasubbu

For Respondents : Mr. A.N.Thambi Durai, APP

ORDER
(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed by the petitioner, the father of the alleged detenu, Prabhakaran, for a direction on the respondents to produce the detenu before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents.

3. It is alleged by the petitioner that the detenu is missing since 9.30 p.m. on 17.11.14. In connection with the same, a complaint was lodged with the respondent police through post stating that the detenu is missing and that he is likely to be in the custody of the police. Hence, the present petition has been filed to produce the detenu before this Court.

4. Status report has been filed by the respondent police, which reveals that very many allegations have been made against the police officials. It is also evident from the report that various criminal cases are pending against the petitioner and the detenu, the details of which are found in para-8 of the report. It is further stated in the report that based on the complaint received by post, a case in Crime No.38/2015 has been registered under section "Man Missing" on the file of the Tiruvarur Town Police Station. The report also further reveals that on the date the detenu is said to have been missing, i.e., 17.11.14, Crime No.589/14 under Section 392 IPC has been registered against the detenu by Tiruvarur Police Station on the complaint of one Gowrimanohari alleging that the detenu had robbed her two-wheeler. The vehicle was traced by the respondent police on 16.12.14. In the meanwhile, it appears that the alleged detenu had moved the District & Sessions Court, Tiruvarur by way of C.M.P. No.1475/14 seeking bail in anticipation of arrest, which was granted. However, we understand, on the submissions of the learned Addl. Public Prosecutor, that the detenu did not surrender before the court and that his whereabouts are not known.

5. From the above report filed by the respondent police, it is evident that the detenu is not under the illegal detention of any person, much less the respondent police, as alleged by the petitioner. This is not a case of illegal detention warranting interference by invocation of the writ jurisdiction by issuance of a writ of habeas corpus.

6. In such view of the matter, this habeas corpus petition is dismissed. It is open to the respondent police to pursue the matter for apprehending the detenu in the criminal case filed against him.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Department of Home
Government of Tamil Nadu
Fort St. George
Chennai 600 009.
2. The District Superintendent of Police
Thiruvarur District
Thiruvarur.
3. The Inspector of Police
Town Police Station
Thiruvarur District
Thiruvarur.
4. The Public Prosecutor
High Court, Madras.

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MSM (CO)
PSI (26.11.2015)