

In the High Court of Judicature at Madras

Dated: 12.3.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren
and
The Hon'ble Ms.Justice K.B.K.Vasuki

H.C.P. No.371 of 2015

C.Venkatesh

.. Petitioner

vs.

1.State, rep. by its Secretary,
Home Dept.,
Fort St. George, Chennai.

2.The Superintendent of Police,
Salem.

3.The Commissioner of Police,
Salem City, Salem.

4.The Inspector of Police,
Edappadi Police Station,
Salem Dist.

5.Chinnathampi

6.Vadivelu

7.Perumal @ Ranger

8.Saravanan

9.Mani

10.Gopal

11.Moorthy

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the relief as stated therein to issue a Writ of Habeas Corpus directing the Respondents 2 to 4 to produce Mr.Gopi, aged 47 years from the illegal detention and custody of Respondents 5 to 11 before this Hon'ble Court and set him at liberty.

For petitioner : Mr.C.Ananda Ramani
For respondents : Mr.A.N.Thambidurai, APP
1 to 4

O R D E R

This Habeas Corpus Petition has been filed seeking to direct respondents 2 and 4 to produce the detenu Gopi, aged 47 years, from the illegal detention and custody of respondents 5 to 11, before this Court and to set him at liberty.

2. Heard the learned counsel on either side.

3. The petitioner is the nephew of the so-called detenu. Today, the learned counsel for the petitioner has produced the detenu before the Court. The detenu, when enquired by us, has put forth the theory as to how he was abducted by the private respondents; he has stated that he was detained and harassed by them; he was deprived of his money to the tune of Rs.40,13,333/- which money was meant for deposit in relation to the auction proceedings.

4. On the other hand, the learned Additional Public Prosecutor would give a different version stating that in the name of the detenu, some of the private respondents had funded money in order to participate in an auction proceedings relating to the purchase of some property belonging to the Wakf Board; when the auction was not gone through, the money was returned to the individual by way of demand draft by the Wakf Board, which sum was not returned to the individuals concerned.

5. As the veracity of the statements made on either side cannot be gone into by this Court, we are unable to appreciate the matter on merits. As the relief pertains only with regard to the production of the detenu, except recording the presence of the detenu and setting him at liberty, we find that no further orders are necessary in the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed. However, it is open to the detenu to work out his remedies, if any, against any individual or officials, in the manner known to law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gs.

To

1.The Secretary, Home Dept.,
Fort St. George, Chennai.

2.The Superintendent of Police, Salem.

3.The Commissioner of Police, Salem City, Salem.

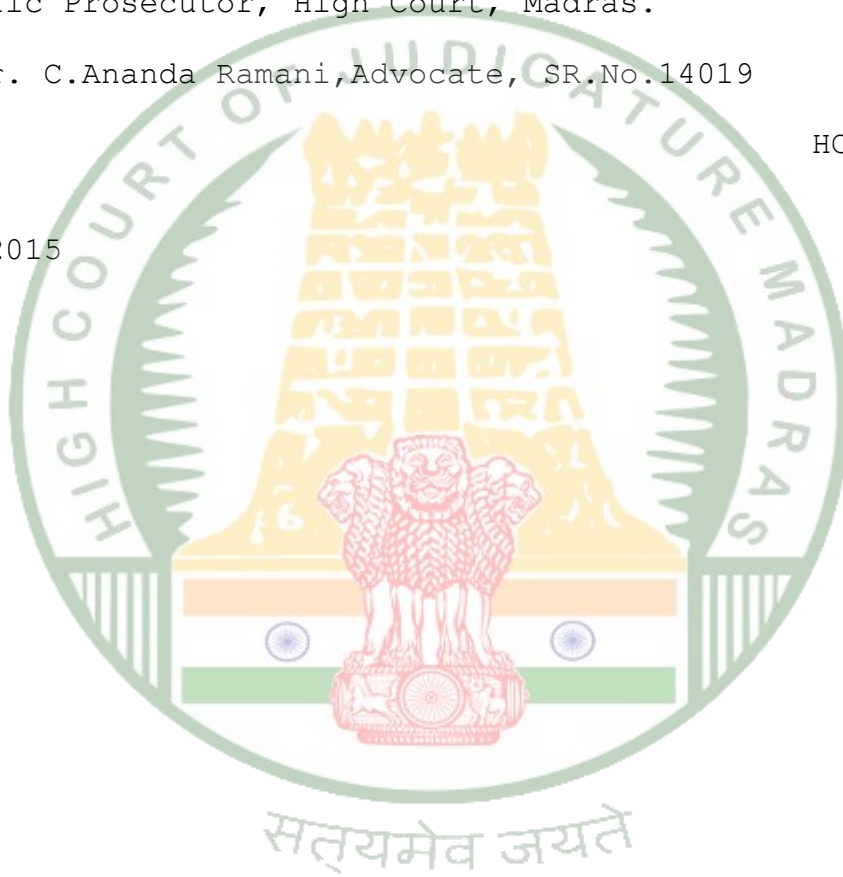
4.The Inspector of Police, Edappadi Police Station, Salem Dist.

5.The Public Prosecutor, High Court, Madras.

1 cc to Mr. C.Ananda Ramani, Advocate, SR.No.14019

HCP No.371 of 2015

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pmk.30.3.2015



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