

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM:

The Hon'ble Mr.Justice S.MANIKUMAR
and
The Hon'ble Ms.Justice K.B.K.VASUKI

H.C.P. No.403 of 2015

R.Padma Jain

.. Petitioner

vs.

1. The Superintendent of Police,
Vellore,
Vellore District.

2. The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam - 632 602

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the relief as stated therein directing the respondents to produce the body of the detainee namely Rajendrakumar, S/o. Power Lal, aged about 52 years No.16A, Annaji Rao Street, Santhapet, Gudiyattam 632 602 before this Hon'ble Court and set him at liberty.

For petitioner :Mr.T.Dharani

For respondents :Mr.A.N.Thambidurai,
Additional Public Prosecutor.

O R D E R

One Mrs.Padma Jain, has sought for a Writ of Habeas Corpus directing the respondents to produce her husband, Mr.Rjendrakumar Jain, aged about 52 years, alleged to have been kidnapped by some unidentified persons on 05.02.2015.

2. According to the petitioner, her husband did not return after he had gone to a Gas Agency. An hour later, he called up from a Mobile No.09003553969 to his brother and informed him that he was kidnapped by some unknown persons in a Innova Car. Though, the petitioner has furnished the registration number of the car, and also made a complaint on 05.02.2015, the respondents have not taken any action to find out the whereabouts of her husband. Alleging that her husband, is under illegal detention, Writ of Habeas Corpus, is sought for.

3. On this day, when the matter came up for admission, on instructions from the Inspector of Police, Gudiyattam Town Police Station, Gudiyattam, the 2nd respondent, Mr.A.N.Thambidurai, learned Additional Public Prosecutor submitted that Rajendrakumar Jain, husband of the petitioner is stated to have been involved in Cr.No.782 of 2014 on the file of Koramangalam Police Station, for offences under Sections 457 & 380 IPC. He further added that the property involved in the crime is 2.5Kgs Gold.

4. Learned Additional Public Prosecutor further submitted that a team of Police officials have caused arrest of the petitioner's husband. He had been taken to Karnataka. Information of the arrest of the petitioner's husband by a team of Police officers from Karnataka, which include one Mr.Manjunathan, Head Constable, was duly furnished to the petitioner. However, without disclosing the above facts, Writ of Habeas Corpus is sought for. For the abovesaid reasons, he submitted that there is no illegal detention.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. As Mr.Rajendrakumar Jain, husband of the petitioner is stated to have been arrested in connection with Cr.No.782 of 2014 for offences under Sections 457 & 380 IPC, by the Karnataka Police officials and taken to Karnataka and hence, the question of issuance of Writ of Habeas Corpus against the respondents, does not arise. If Karnataka Police had not given proper information, regarding the arrest of the petitioner's husband, it is always open to the petitioner to seek for appropriate remedy in the Court of competent jurisdiction.

7. For reasons stated supra, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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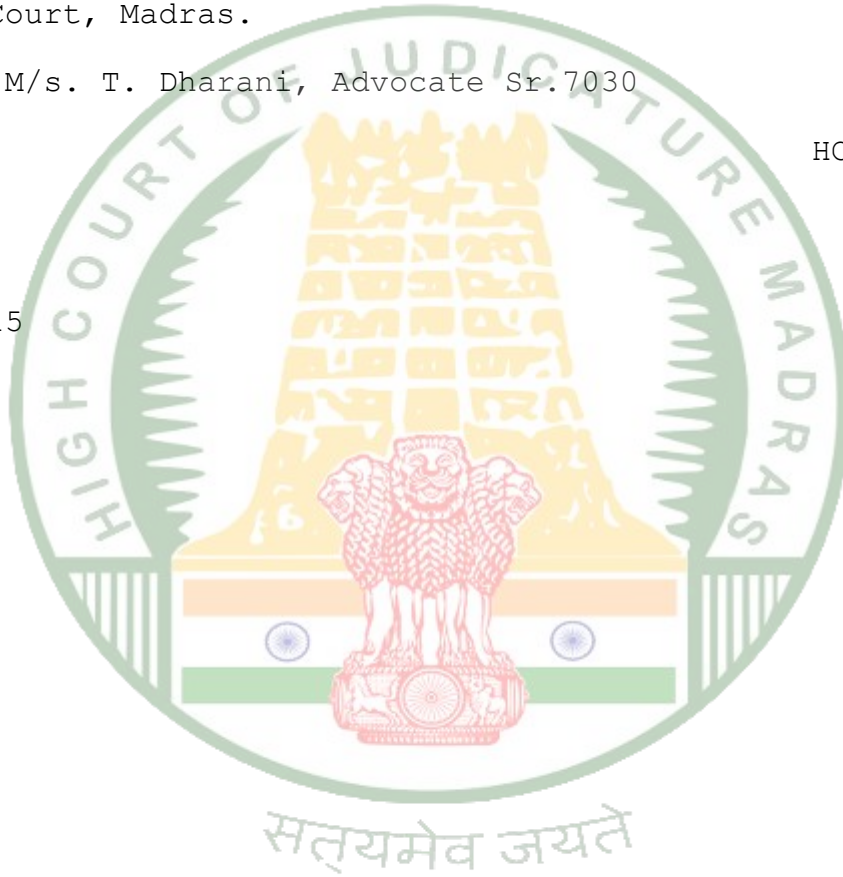
To

1. The Superintendent of Police,
Vellore,
Vellore District.
2. The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam - 632 602
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. T. Dharani, Advocate Sr.7030

HCP No.403 of 2015

BVR(CO)
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