

In the High Court of Judicature at Madras

Dated: 09.12.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR

and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.662 of 2015

S.Thillaikani

... Petitioner/
Father of the Detenu

Vs.

The State rep.by its,
The Inspector of Police,
B-4, Sevvapet Police Station,
Tiruvallur Taluk and District.

... Respondents

PETITION filed under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondent to produce the body of the petitioner's son namely, Mr.Sujith Kumar, Son of Thillaikani, aged about 26 years, before this Court and set him at liberty.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor (Crl.Side)

O R D E R

(Order of the Court was made by P.N.PRAKASH, J.)

This Habeas Corpus Petition is filed by the father of the detenu Sujith Kumar, for a direction to the respondent to produce the detenu before this Court and set him at liberty.

2. It is the case of the petitioner that his son went missing on 20.11.2014, in connection with which, a case in Crime No.70 of 2015 has been registered by the respondent - police for man missing. In spite of registration of the case, respondent - police have not taken any steps to secure the detenu and hence the present petition.

3. Learned Additional Public Prosecutor, on instruction, submits that the petitioner's son was involved in a case in Crime No.557 of 2014 and was arrested for an offence under Section 394 IPC and after completing the investigation, final report has been filed before Judicial Magistrate No.2, Thiruvallur in C.C.No.150 of 2014. He further submits that in that case, originally the petitioner was released on bail and subsequently, non-bailable warrant has been issued against the detenu, which is still pending.

4. In such view of the matter, we find that it is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition stands closed, with a direction to the respondent - police either to execute the warrant issued by Judicial Magistrate - II, Tiruvallur and to proceed with the investigation in Crime No.557 of 2014 and 70 of 2015 and keep the petitioner informed about the developments.

sl

Sd/-
Assistant Registrar (Cs-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
B-4, Sevvapet Police Station,
Tiruvallur Taluk and District.

2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

H.C.P.No.662 of 2015

CTK(CO)

sd : 28/12/2015

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