

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P. No.812 of 2015

N.Samithurai ...Petitioner/Father of the Detenue

vs.

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

2.The Inspector of Police,
Paravakottai Police Station,
Mannarkudi Taluk,
Thiruvarur District.

3.P.Elavarasan ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the body of the petitioner's son namely Kalaivanan, aged about 34 years, before this Hon'ble Court and set him liberty.

For Petitioner :No Representation

For Respondents:Mr.A.N.Thambidurai

Additional Public Prosecutor for R1 and R2

ORDER

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

This petition has been filed seeking a direction to the second respondent to produce the body of the petitioner's son, namely Kalaivanan, aged about 34 years, before this Hon'ble Court and set him liberty.

2. No representation for the petitioner. Heard the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the petitioner that his son Kalaivanan, aged about 34 years went missing since 18.01.2015 and is not traceable.

4. On instructions from the Inspector of Police, learned Additional Public Prosecutor submits that the petitioner's son Kalaivanan, is involved in a case in Cr.No.2 of 2015 for offences under Sections 9 and 10 of the POCSO Act and that he has been absconding.

5. During the pendency of this case, yet another case was registered against the petitioner's son in Cr.No.36 of 2015 for an offence under Section 294(b) by the respondent police in Sulur Police Station, Coimbatore District. Reference to Cr.No.2 of 2015 is also found in paragraph no.3 of the affidavit.

6. Under such circumstances, we are of the view that the petitioner's son, Kalaivanan is not under illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this petition stands closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thiruvarur, Thiruvarur District.
- 2.The Inspector of Police,
Paravakottai Police Station,
Mannarkudi Taluk,
Thiruvarur District.
- 3.The Public Prosecutor
High Court of Madras
Chennai.

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gr(CO)
srg(27/01/2016)