

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
AND
THE HON'BLE MR.JUSTICE ARUNA JAGADEESAN

Habeas Corpus Petition No.1862 of 2014

L.Sindhia .. Petitioner

Vs.

1.State by
Inspector of Police,
S-5, Pallavaram Police Station,
Chennai

2.C.Rajaseelan .. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Habeas Corpus directing the first respondent herein to secure the body of the detenu by name R.Prakash, son of Rajaseelan, aged about 32 years and produce him before this Court.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

(The order of the Court was made by M.JAICHANDREN, J.)

This habeas corpus petition has been filed praying that this Court may be pleased to issue a direction, directing the first respondent to secure the detenu, namely, R.Prakash, the husband of the petitioner, aged about 32 years and to produce him before this Court.

2. At this stage of the hearing of the habeas corpus petition, the learned Additional Public Prosecutor, appearing on behalf of the first respondent police, had placed before this Court an order passed by the Madurai Bench of the Madras High Court, dated 3.12.2012, made in H.C.P.(MD) No.910 of 2012, filed by the second respondent herein. In the said habeas corpus petition, this Court has passed an order as follows:

"This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents to produce the detenu, R. Prakash, aged about 29 years, the son of the petitioner, before this Court and to set him at liberty.

2. In the affidavit filed in support of the petition, it has been stated that the detenu, namely, Prakash, has been missing from 18.4.2012. Therefore, the daughter-in-law of the petitioner had lodged a complaint before the third respondent police, on 24.4.2012, and the said complaint had been registered, in Crime No.1739 of 2012, as a "man missing" case. The petitioner is under the suspicion that the detenu must be in the illegal custody of some one relating to certain monetary transactions. Since, no effective steps had been taken by the third respondent police to trace the detenu, the petitioner has filed the present Habeas Corpus Petition, before this Court.

3. A Status Report, dated 3.12.2012, had been filed by the fourth respondent. In the Status Report, it had been stated that effective steps had been taken to trace the detenu and investigation is being continued.

4. In such circumstances, as no further orders are necessary, the Habeas Corpus Petition is closed. The third respondent is directed to continue the investigation to trace the detenu and to take appropriate steps, as per law, as expeditiously as possible."

3. It is also noted that status reports dated 8.9.2014 and 24.12.2014 had been filed before this Court. From the said status reports, it is found that the first respondent police had been taking effective steps to trace the detenu. In such circumstances, we do not find any reason to issue further orders directing the first respondent to take effective steps to trace the detenu. Hence, this habeas corpus petition is closed. However, we direct

the Assistant Commissioner of Police, Pallavaram, Chennai, to supervise the investigation, in Crime No.1739 of 2012, on the file of the Inspector of Police, S-5 Pallavaram Police Station, Chennai.

Sd/-
Asst.Registrar (Records)

/true copy/

Sub Asst. Registrar

msk

To

1. The Assistant Commissioner of Police
Pallavaram
Chennai

2.The Inspector of Police,
S-5, Pallavaram Police Station,
Chennai

3.The Public Prosecutor
High Court, Madras.

1 cc to Mr.B. Kumarasamy, Advocate, sr. 709

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of 2014

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