

In the High Court of Judicature at Madras

Dated: 5.3.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren
and
The Hon'ble Mrs.Justice Aruna Jagadeesan

H.C.P. No.2167 of 2014

V.S.Guruswamy .. Petitioner

vs.

1.The Inspector of Police,
Tiruppur North Police Station, Tiruppur.

2.The Commissioner of Police,
Tiruppur.

3.Arukkani

4.Baluswamy .. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the relief as stated therein.

For petitioner : M/s.Giridhar & Sai

For respondents : Mr.A.N.Thambidurai for R1 & R2
Mrs.R.Meenal for R3
Mrs.AL.Ganthimathi for R4

Mr.G.Krishnakumar for detenu.

O R D E R

This Habeas Corpus Petition has been filed by the petitioner, a practicing advocate and the father of the detenu by name G.Srinath, aged about 26 years, who is said to be in the illegal custody of respondents 3 and 4, to cause production of his son and to set him at liberty.

2. This Court had passed an order dated 28.10.2014, which reads as follows:-

"[1]The detenu Srinath, son of V.S.Guruswamy, the petitioner herein, will be under the care and

custody of Mr.B.Vijay, son of S.Baluswamy, the 4th respondent herein, at Tiruppur for the next three months.

[2]Mr.Vijay must ensure that the detenu is given treatment as an Out-Patient periodically as per the advise of SCARF Hospital at Chennai, by their letter dated 27.10.2014, during the course of three months stay of the detenu with him. He should also ensure the safety and security of the detenu Srinath.

[3]It is made clear that if the petitioner herein/father of the detenu wants to see his son, the detenu herein, he must be allowed so.

[4]It is further made clear that in the next date of hearing, i.e., after the completion of 3 months period, Mr.Vijay, who is going to have the custody of the detenu Srinath, should produce the detenu before this Court without fail.

[6]This temporary arrangement of the detenu staying with Mr.B.Vijay is only to monitor the treatment being given to the detenu by SCARF Hospital at Chennai.

[7]The authorities of SCARF Hospital at Anna Nagar, Chennai, are also directed to provide the best treatment available, to the detenu herein. The report of the Hospital Authorities in that regard, is to be submitted before this Court by Mr.B.Vijay, the son of the 4th respondent herein, in the next date of hearing."

3. When the matter was listed on 3.3.2015, Dr.Shiva Prakash Srinivasan, Psychiatrist attached to Schizophrenia Research Foundation, Chennai, had appeared before this Court and had stated that the detenu needs rehabilitation in an environment which would be conducive to his mental and physical well being. A report, dated 25.2.2015, had also been placed before this Court with the following recommendations:-

"1.Continuing to work in a structured and supervised work environment will be beneficial for him in the long term.

2. As addressed in the previous recommendations, Mr.Srinath should continue to be exposed to independent living arrangements gradually after he is exposed to the necessary skills for the same.

3. Continue medications and follow up with SCARF."

4.Today, the detenu was produced before the Court by Mr.Vijay, son of Balusamy, the 4th respondent herein. The petitioner, who is the father of the detenu, along with some of his relatives,

including one Mr.V.K.Moorthy, son of Kuppusamy, are also present before the Court.

5. The petitioner, who is the father of the detenu, had filed an affidavit, dated 5.3.2015, wherein it has been stated as follows:-

"1. I am the petitioner herein and the father of G.Srinath. As such I am well acquainted with the facts of the case.

2. I state that I have always been providing love, affection and care to my son, and I would like to take the custody of my son.

3. I state that I shall at all times treat my son well and give him the respect due to an adult. I shall at the same time do my best to ensure that his health and safety is not jeopardised. I will also identify a suitable rehabilitatory institution that provides comparative freedom to him than a mental health institution, and in consultation with him admit him to such institution so as to provide suitable vocational training and to enable him to lead an independent life.

4. I also undertake to attend professional counselling sessions in order to learn how to treat and relate to a person suffering from mental illness so that I will be able to build a healthy relationship with Srinath.

5. I further undertake to provide all necessary financial support that is required for his maintenance and wellbeing and constantly consult him with regard to his life and future."

6. Mr.Vijay, who is the cousin brother of the detenu, had expressed his difficulty in taking care of the detenu, as per the orders of this Court, dated 28.10.2014. Mr.V.K.Moorthy, the relative of the detenu, had stated that the welfare of the detenu would be taken care of by the petitioner and the other relatives, as per the orders passed by this Court.

7. In view of the report submitted by Dr.Shiva Prakash Srinivasan, Psychiatrist attached to Schizophrenia Research Foundation, Chennai, we find it appropriate to permit the detenu to go along with his father, the petitioner herein, and the relatives who are present before the Court, including Mr.V.K.Moorthy. Mr.Giridhar, the learned counsel appearing on behalf of the petitioner had submitted that the detenu would be given all necessary treatment, as per the recommendations made by the medical practitioner attached to Schizophrenia Research Foundation, Chennai. The learned counsel had further submitted that the petitioner would abide by the undertaking given by him in his

affidavit dated 5.3.2015 filed before the Court today. In such circumstances, the Habeas Corpus Petition stands closed. M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gs.

To

1.The Inspector of Police,
Tiruppur North Police Station, Tiruppur.

2.The Commissioner of Police,
Tiruppur.

3.The Public Prosecutor, High Court, Madras.

1 cc to Mr.G. Krishnakumar, SR. 13095

2 ccs to M/s. Giridhara Sai Associates, sr. 12817, 11675

1 cc to M/s.AL. Gandhimathi, sr 12474

1 cc to M/s. R. Meenala, sr. 12506

HCP No.2167 of 2014

KM (CO)
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