

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P. No.3787 of 2014

S.Sudhakar ... Petitioner
Vs.

1.The State of Tamil Nadu,
represented by
Inspector of Police,
B-10 Selvapuram,
Coimbatore District.

2.P.Ramasamy,
Retired Superintendent of Police,
No.1/83, Periya Nagar,
Telungupalayam, Perur,
Coimbatore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the 1st respondent to produce the body of the petitioner's friends, namely, R.Gopalkrishnan, S/o.P.Ramasamy, aged about 47 years and his brother, Saravanan, S/o.P.Ramasamy, aged about 45 years, before this Court and set them at liberty.

For Petitioner : Mr.M.Vijaya Raghavan,
for Mr.R.Selvakumar

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

For Respondent : Mr.A.Kumana Raja

ORDER

(Order of the Court was made by S.MANIKUMAR, J.)

On 23.02.2015, this Court has passed the following order:-

"Alleged detainees are present. They denied the allegations. Due to unavoidable circumstances, the petitioner and his counsel are not present. Representing the same, Mr.Vijayaraghavan, sought for adjournment. Inasmuch as the petitioner and his respective counsel are not present, the matter is adjourned to 25.02.2015. It is made clear that both the petitioner as well as the petitioner's counsel should present before this Court on that day.

2.Mr.A.Kumana Raja, learned counsel submitted that he has filed vakalat for respondent No.2.

3.Registry is directed to show the name of the learned counsel for the respondent No.2 in the cause list. Counter to be filed.

Post on 25.02.2015 at 02.15PM."

2. Subsequently, on 25.02.2015, this Court has passed further orders:-

"Mr.S.Sudhakar, petitioner herein submitted that respondent No.2, approached him, regarding sale of a property and introduced two persons, Mr.P.Saravanan and Mr.Gopalakrishnan, as his sons.

2.Saravanan and Gopalakrishnan, stated to be the sons of respondent No.2, appeared. We have verified their Identity Cards, their date of birth, residential address, etc., Mr.Sudhakar, petitioner, states that he has not seen, the persons who are present in this Court and they were not introduced, as sons of respondent No.2. According to him, some other persons, were introduced by respondent No.2, as his sons, when he approached him, for suitable advice, regarding sale of properties.

3.Respondent No.2, denies having seen the petitioner, and had never contacted him from his mobile number. According to him, it was the petitioner, who contacted him from his mobile number 9994924378.

4.Mr.Sudhakar, petitioner submitted that Gopalakrishnan's mobile number is 9362938109. Respondent No.2 states that it is his mobile number and not that of Gopalakrishnan. If Gopalakrishnan's mobile Number is 9362938109, then the petitioner could have called up and ascertained his whereabouts, instead of filing this Habeas Corpus Petition.

5.Call Details Records of both the petitioner, as well as respondent No.2 are required to ascertain the facts. Petitioner has no objection for getting the call details of his mobile number from the service provider.

6.In the light of the above, we direct the Inspector of Police, B-10, Selvapuram Police Station, Coimbatore District, Respondent No.1, to collect the Call Detail Records of the abovesaid mobile numbers.

Post on 06.03.2015."

3. Today, when the matter came up for hearing, call details of the petitioner and the 2nd respondent have been produced. We have perused the same.

4. Letter, dated 02.05.2013, of the Sub-Inspector of Police, Land Grabbing - Special Cell, Coimbatore District, addressed to the alleged detainees, viz., Saravanan and Gopalakrishnan, indicates that certain details have been called for, for investigation into Crime No.37 of 2014, on the file of the Central Crime Branch, Coimbatore City. Man missing case, has been registered in Crime No.45 of 2015, on the file of the B-10 Selvapuram Police Station, Coimbatore District.

5. Mr.A.N.Thambidurai, learned Additional Public Prosecutor submitted that one Mr.Rengasamy, is the Assistant Commissioner of Police, dealing with the Land Grabbing Cases.

6. However, at this juncture, learned counsel for the 2nd respondent submitted that the abovesaid officer, was the person, who had given the No Objection Certificate to the Sub-Registrar, for registration of the disputed land.

7. Having regard to the abovesaid submission, this Court deems it fit to direct the Commissioner of Police, Coimbatore City, to nominate a competent Officer, not below the rank of Deputy Superintendent of Police, to investigate into both the crimes, viz.,

Crime No.37 of 2014, on the file of the Central Crime Branch, Coimbatore City and Crime No.45 of 2015, on the file of the B-10 Selvapuram Police Station, Coimbatore District and provide the details of investigation to the Commissioner of Police, Coimbatore City. The competent authority is directed to file appropriate Charge Sheet after thorough investigation. The Commissioner of Police is also directed to issue necessary orders, transferring the investigation of the abovesaid cases, to the Officer, nominated by him.

8. With the above directions, this habeas corpus petition is closed. Learned Additional Public Prosecutor shall communicate this order, to the Commissioner of Police, Coimbatore City, by fax, by today itself.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
B-10 Selvapuram,
Coimbatore District.

2.The Commissioner of Police,
Coimbatore City.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.R.Selva Kumar, Advocate, SR.No.12810

HCP No.3787 of 2014

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pmk.9.3.2015

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