



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.04.2015

Coram

THE HONOURABLE MR. JUSTICE A.SELVAM
AND
THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P. (MD) No.471 of 2015

M.Sagadevan

.. Petitioner

Vs.

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

2.The Inspector of Police
Tamil University Police Station,
Thanjavur

3.J.M.Raja

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 & 2 to produce the person or body of the detenu, petitioner's daughter namely S.Devisree (4 years D/o.M.Sagadevan) from the illegal custody of the 3rd respondent before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.A.Arun Prasad

For RR - 1 & 2 : Mr.T.Mohan

Addl.Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J.**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 & 2 to trace out and produce the detenu by name S.Devisree, 4 years old, daughter of the petitioner.

2. The petitioner is present and he has been identified by his counsel.

3. The Inspector of Police, All Women Police Station, Vallam has produced the detenu and her mother Sumathi and she has been enquired and stated that the detenu is in her custody.



4. Considering the fact that the said Sumathi is the mother of the detenu and the detenu has attained only tender age, custody of her mother cannot be considered as illegal.

5. The learned counsel appearing for the petitioner has contended that the said Sumathi is having illicit intimacy with the third respondent and the third respondent has illegally detained the detenu. Since the detenu has been produced by her mother viz., Sumathi, the contention put forth on the side of the petitioner cannot be accepted. If at all, the petitioner wants to have legal custody of the detenu, he can approach the concerned Court by way of filing proper petition. With the above observation, this petition is liable to be disposed of.

6. In fine, this Habeas Corpus Petition is disposed of on the basis of the observation made earlier. However, the petitioner is given liberty to file proper petition for getting legal custody of the detenu. The petitioner is also given liberty to see the detenu once in a month.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

mj

To

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

2.The Inspector of Police
Tamil University Police Station,
Thanjavur.

3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.A.ARUN PRASAD, ADVOCATE IN SR NO.21738

+1cc to MR.T.VADIVELAN, ADVOCATE IN SR NO.22006

H.C.P. (MD) No.471 of 2015

22.04.2015

RG.08.05.2015

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