

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

HABEAS CORPUS PETITION NO.1024 OF 2015

Smt.Saraswathi

.... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore District,
Coimbatore.
2. The Inspector of Police,
D-5, Singanallur Police Station,
Law and Order, Coimbatore District.
3. Mahesh Babu

..... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first and second respondent to secure the detenu Ramasamy, son of Kolappa Gounder, aged 68 years, now confined in the hands of the third respondent herein and produce the detenu before this Court and set him at liberty to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor (Crl.Side)

O R D E R

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

This Habeas Corpus Petition is filed by the wife of the detenu Ramasamy seeking for a direction to the respondents to produce the detenu before this Court and set him at liberty.

2. The case of the petitioner is that her husband Ramasamy went missing, in connection with which a case in Crime No.123 of 2015 has been registered by the second respondent and investigation is pending.

3. Learned Additional Public Prosecutor has filed status report dated 01.06.2015 detailing the steps taken by them to secure the detenu. In the status report it is stated as follows:

"4. I submit that, on the same day, I went to the defacto complainant's residence and examined the following witnesses:

- (i) Tr.Mahalingam - defacto complainant's
- (ii) Tmt.Saraswathi - wife of the detenu/petitioner herein
- (iii) Tr.Anandaraj - Son of the detenu
- (iv) Tr.Bhuvaneswaran - Neighbour
- (v) Tr.Kasirajan - Neighbour
- (vi) Tr.Dharmaraj - Neighbour
- (vii) Tr.Nagaraj - Neighbour
- (viii) Tmt.Soundara Vadivu - wife of the defacto complainant

All the above witnesses were corroborated the same version of the complaint.

5. I submit that I have collected Missing man's Photo, details and other particulars from the defacto complainant and given message to Control Room & CCRB [City Crime Record bureau] about the said missing man and given pamphlets to all Police stations and near by places in order to trace out the missing man/detenu.

.....

8. I submit that during the investigation, myself and our team had searched the third respondent Maheshbabu, S/o. Sambasivam at his residence at No.4/27-I, II Street, Thambunagar, Bodipatti Village, Udumalpet Taluk, Tiruppur District but he was not available in the said address. The local Village Administrative Officer of Bodipatti Village given a certificate dated 14.5.2015 that the said Maheshbabu was not residing at the said house. Further, I have searched and examined the parents of Maheshbabu and

they did not know the whereabouts of Maheshbabu for the past two years"

4. From the above, it appears that there is no illegal detention of the detenu warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition stands closed with a direction to the respondent police to proceed with the investigation in Crime No.123 of 2015 and keep the petitioner informed about the developments, if any.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Coimbatore District,
Coimbatore.
2. The Inspector of Police,
D-5, Singanallur Police Station,
Law and Order, Coimbatore District.
3. The Public Prosecutor,
High Court,
Madras.

+2cc to M/S.R.Sankarasubbu, Advocate, S.R.No.18

सत्यमेव जयते

H.C.P.No.1024 of 2015

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

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