

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2016

CORAM

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

H.C.P. NO. 1258 OF 2015

Mu.Jeyapall

.. Petitioner

- Vs -

1. Raja Shekar
2. The Commissioner of Police
Office of City Police Commissioner
EVK Sampath Road
Vepery, Chennai - 7.
3. The Inspector of Police
V-5, Thirumangalam Police Station
Chennai 600 101.

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detenu P.Rajagopal, aged 78 years, residing at 2026, EWS, Vasantham Colony 2nd Street, near 18th Main Road, Anna Nagar, Chennai, from the illegal custody of the first respondent, before this Court and set him at liberty.

For Petitioner : Mr. R.Kannan

For Respondents: Mr. A.N.Thambidurai, APP for RR-2 & 3
Mr. S.Kalyanaraman for R-1

ORDER
(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner for a direction to the respondents to produce the detenu P.Rajagopal, aged 78 years, residing at 2026, EWS, Vasantham Colony 2nd Street, near 18th Main Road, Anna Nagar, Chennai, from the illegal custody of the first respondent, before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents 2 and 3.

3. It is the case of the petitioner that his mother-in-law's brother, Rajagopal is in the illegal custody of the first respondent, who is the nephew of the detenu, Rajagopal. It is submitted by the petitioner that has given a complaint dated 9.5.15 to the Commissioner of Police alleging that the said Rajagopal is in the illegal custody of the first respondent. Since no action has been taken by the respondent police to secure the said detenu, the present petition has been filed immediately thereafter for the production of the detenu, Rajagopal.

4. The first respondent, has filed a counter wherein he has stated that the detenu, aged about 78 years, died on 22.5.2015 due to cardiac arrest despite medical treatment given to him and his body has also been cremated.

5. The respondent police have filed a status report wherein they have also confirmed the statement that the alleged detenu, Rajagopal, was admitted in KHM Hospital, Anna Nagar and was taking treatment from 18.12.14 and after discharge, returned home and thereafter the health of the alleged detenu deteriorated and he died on 22.5.15. In connection with the death of the alleged detenu, Rajagopal, a case in Crime No.451/2015 has been registered under Section 174 Cr.P.C. and investigation is in progress.

6. From the above stated fact, it is clear that the alleged detenu, Rajagopal died and, therefore, there is no question of illegal detention warranting issuance of a writ of habeas corpus. Accordingly, this habeas corpus petition is closed.

sd/-

Assistant Registrar(Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

GLN

To

1. The Commissioner of Police
Office of City Police Commissioner
EVK Sampath Road
Vepery, Chennai - 7.

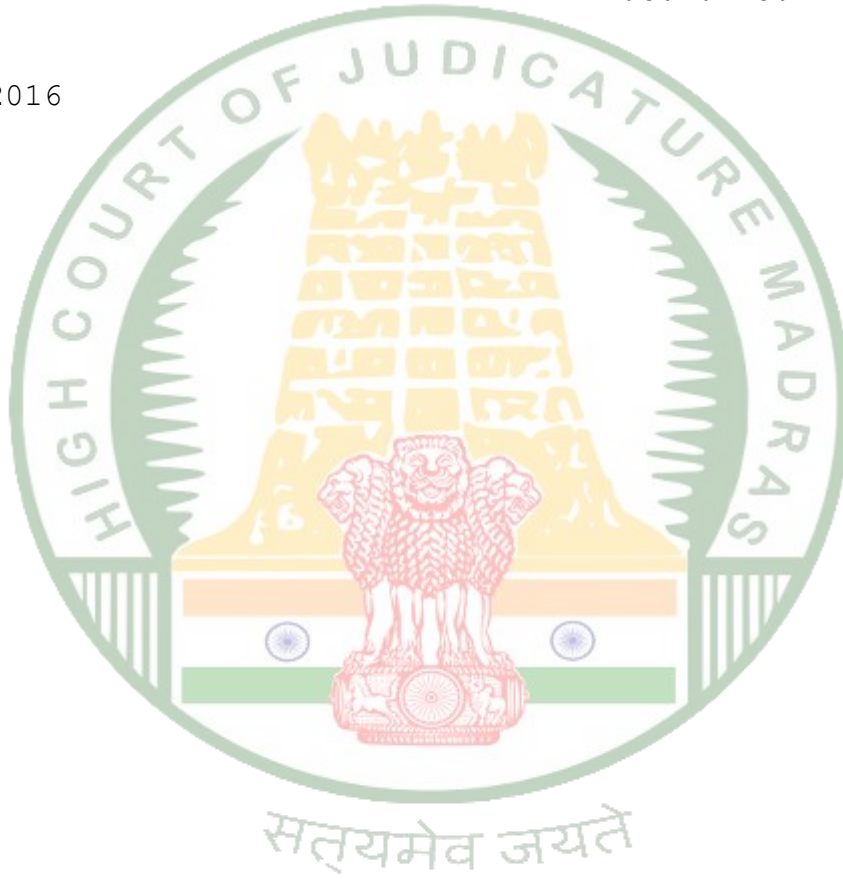
2. The Inspector of Police
V-5, Thirumangalam Police Station
Chennai 600 101.

3. The Public Prosecutor
High Court, Madras.

+3 CC to MR.S.Kalyanaraman Advocate. SR.NO.571

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CO-SVI
JD 22/01/2016



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