

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

HCP No.3072 of 2015

S.Shanthi

... Petitioner/Defacto
Complainant

Vs

State rep.by

1. The Commissioner of Police
Veppery, Chennai 600007.

2. The Deputy Commissioner of Police
Mylapore Range, Mylapore, Chennai 600 004.

3. The Inspector of Police
J4 Kotturpuram Police Station
Chennai 600085.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the respondents 1 to 3 herein to produce the body and persons of the said detenu, M.Surapadman, son of Muthuraman, aged about 46 years the husband of the petitioner before this Court and thereafter, set him at liberty.

For Petitioner : Mr.S.Anburaja

For Respondent : Mr.V.M.R.Rajentran
Additional Public Prosecutor

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ORDER

[Order of the court was made by M.JAICHANDREN, J.,]

The petitioner / wife of the detenu Surapadman, has filed this Habeas Corpus Petition, to cause production of her husband, who is said to be missing, before this Court and to set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent. We have also perused the records placed before us carefully including the Status Report filed by the 3rd respondent herein.

3. The petitioner would state that the petitioner had married the detenu Surapadman and they were blessed with two children out of the said wedlock. The detenu was working in the Room Service Section of the Adayar Boat Club. While so, on 17.11.2015, the detenu left his house for work. However, he did not return. Hence, a complaint had been lodged with the 3rd respondent police about the missing of the detenu, in pursuance of which, a case in Cr.No.2944/2015 came to be registered as a "Man Missing" case. Till date, the whereabouts of the detenu are not known and since no effective steps have been taken by the respondent police, the petitioner is before this Court by way of filing the present Habeas Corpus Petition.

4. A Status Report dated 15.02.2016 has been filed by the 3rd respondent / Inspector of Police, Kotturpuram Police Station, wherein it has been stated that based on the eyewitness report, it is believed that the detenu had been washed away by the floods in the Adayar River on 17.11.2015. However, the respondent police have not been able to trace out the body of the detenu.

5. Under such circumstances, this Court is of the considered view that no useful purpose would be served in keeping the petition pending on the file of this Court, in view of the categorical statement made by the 3rd respondent police in their Status Report, dated 15.02.2016. Accordingly, the Habeas Corpus Petition stands closed, at this stage. However, it is made clear that the 3rd respondent shall continue the investigation to trace the body of the detenu and provide appropriate information to the petitioner, as and when the body of the detenu is found.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

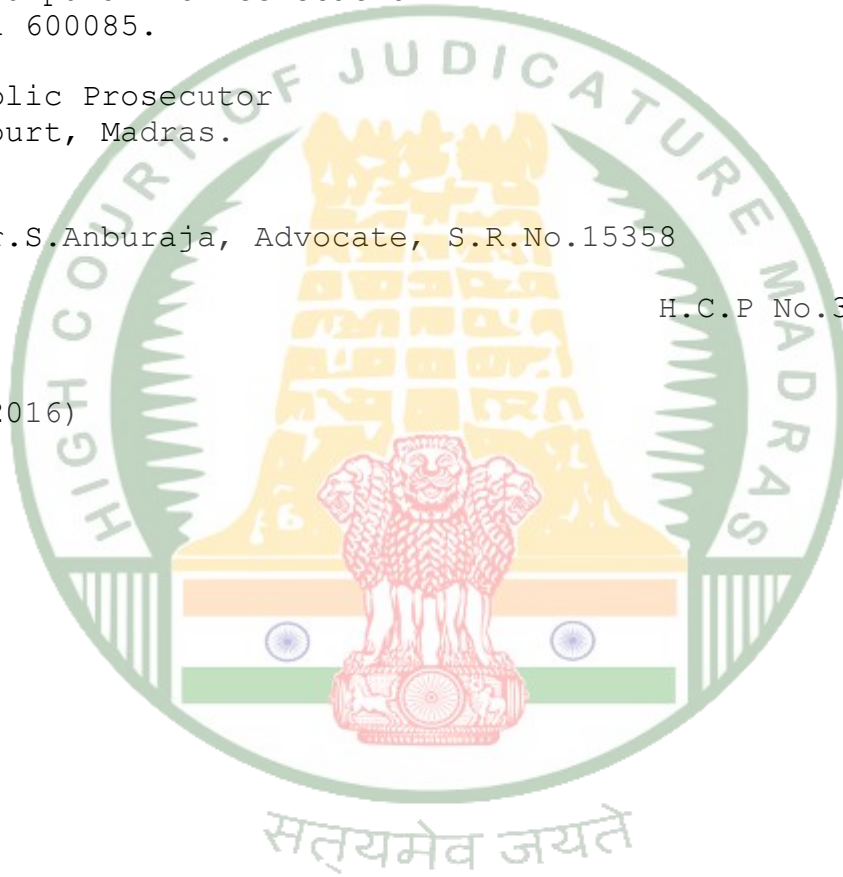
To

1. The Commissioner of Police
Veppery, Chennai 600007.
2. The Deputy Commissioner of Police
Mylapore Range, Mylapore,
Chennai 600 004.
3. The Inspector of Police
J4 Kotturpuram Police Station
Chennai 600085.
4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Anburaja, Advocate, S.R.No.15358

H.C.P No.3072 of 2015

VGI (CO)
CA(28/03/2016)



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