

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.01.2016

CORAM

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

H.C.P. NO. 852 OF 2015

P.Rajabadhar

.. Petitioner

- Vs -

1. The Sub Inspector of Police
K-1, Sembium Police Station
Chennai 600 011.

.. Respondent

Petition filed for the issuance of a writ of habeas corpus directing the respondent to secure the detenu, P.Kothandam, aged 65 years, brother of the petitioner, produce him before this Court and set him at liberty.

For Petitioner : Mr. S.Sivakumar

For Respondent : Mr. A.N.Thambidurai, APP

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

The present petition has been filed by the petitioner for a direction to the respondent to secure the detenu, P.Kothandam, aged 65 years, brother of the petitioner, produce him 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.

3. It is the case of the petitioner that his brother, Kothandam went missing since 10.12.2014 when he went on a pilgrimage to Sholingur Temple. In spite of the best efforts to trace the detenu, as he could not be found, a complaint was lodged with the respondent police based on which a case in Crime No.50 of 2015 for 'Man Missing' has been registered. Since the police were not taking any efforts to trace the detenu, the petitioner has come before this Court with the present petition.

4. It is evident from the averments in petition that there is no allegation of illegal detention of the detenu by any person. It is submitted by the learned Addl. Public Prosecutor that in connection with the missing of the detenu, a case in Crime No.50 of 2015 has also been registered by the respondent police and investigation is in progress. In such view of the matter, there being no allegation of illegal detention of the detenu by any person, no case is made out for issuance of a writ of habeas corpus.

5. Accordingly, this habeas corpus petition is closed with a direction to the respondent police to proceed with the investigation in Crime No.50/2015 and keep the petitioner informed of any development/breakthrough in the case.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

GLN

To

1. The Sub Inspector of Police
K-1, Sembium Police Station
Chennai 600 011.

2. The Public Prosecutor
High Court, Madras

+1 CC to MR.S.Sivakumar Advocate. SR.NO.334

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CO-AD

JD 19/01/2016

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