

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1184 of 2016

R.Shamla

... Petitioner/Wife
of the Detenu

Vs

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
2. The Commissioner of Police,
Hosur Road, Coimbatore City,
Coimbatore-641 018.
3. The Superintendent of Police,
Villupuram District.
4. The Deputy Superintendent of Police,
Villupuram District.
5. The Assistant Deputy Superintendent of
Police (Crime), Villupuram District.
6. The Inspector of Police,
B.3 Variety Hall Road Police Station,
Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents to produce the body of M.S.Rasool Mohideen, aged about 34 years, before this Court and set him at liberty.

For Petitioner : Mr.I.Abrar Md. Abdullah

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner is the wife of one Mr.M.S.Rasool Mohideen, aged about 34 years. According to the petitioner, on 03.06.2016, her husband was called by the Inspector of Police, B.3 Variety Hall Road Police Station, Coimbatore, and in response to the same, he went for enquiry. Again, he was called for enquiry on 07.06.2016 by the same Inspector of Police. In response to the same, he went for enquiry. But, he did not return. Alleging illegal detention, the petitioner has come up before this Court with this Habeas Corpus Petition.

2. Today, when this Habeas corpus Petition came up for hearing, the learned Additional Public Prosecutor would submit that the husband of the petitioner is an accused in a case in Crime No.6 of 2016 on the file of the District Crime Branch for offences under Sections 380, 403, 419, 465 and 468 read with 34 of IPC. The learned Additional Public Prosecutor would further submit that he was legally arrested on 09.06.2016, produced before the jurisdictional Magistrate and the learned Magistrate has remanded him to judicial custody. He would also submit that he is presently lodged in Sub-Jail, Villupuram.

3. The learned Counsel for the petitioner would submit that the arrest of the accused on 09.06.2016 cannot be true as he was in the illegal custody from 07.06.2016 onwards.

4. Assuming that he was in the custody of the police from 07.06.2016, as of now, the detention of the accused in prison is legal as it is in pursuance of a judicial order passed by the learned Judicial Magistrate. Therefore, no relief could be granted as prayed for by the petitioner in this Habeas Corpus Petition.

5. In the result, the Habeas Corpus Petition stands dismissed.

Sd/-
Assistant Registrar(CS V)

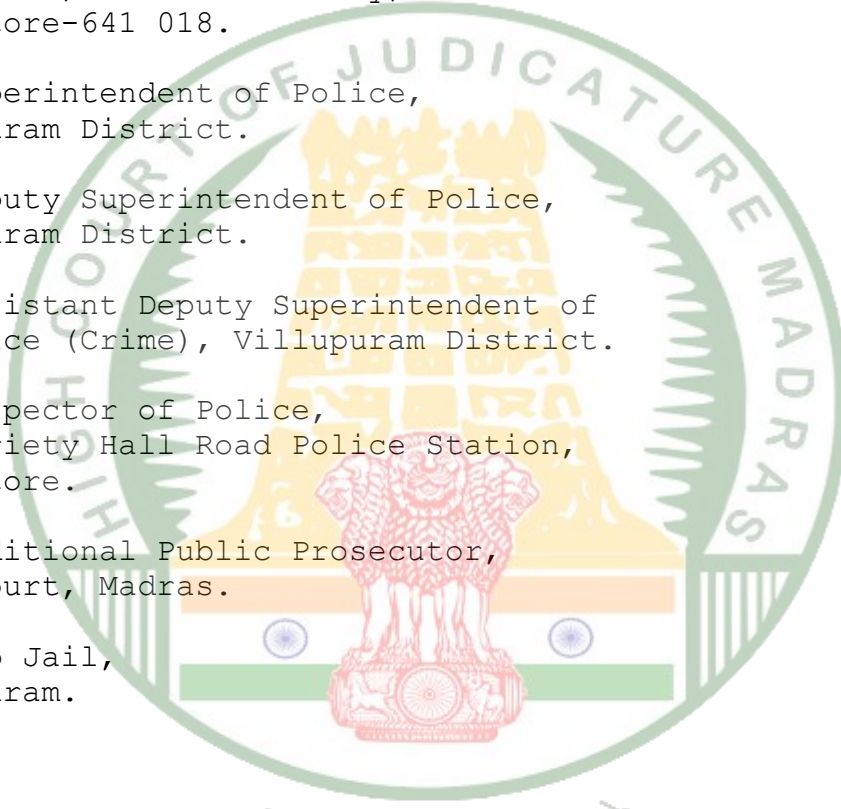
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Sub Assistant Registrar

tsi

To

1. The Judicial Magistrate,
Villupuram.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
3. The Commissioner of Police,
Hosur Road, Coimbatore City,
Coimbatore-641 018.
4. The Superintendent of Police,
Villupuram District.
5. The Deputy Superintendent of Police,
Villupuram District.
6. The Assistant Deputy Superintendent of
Police (Crime), Villupuram District.
7. The Inspector of Police,
B.3 Variety Hall Road Police Station,
Coimbatore.
8. The Additional Public Prosecutor,
High Court, Madras.
9. The Sub Jail,
Villupuram.



सत्यमेव जयते

H.C.P.No.1184 of 2016

CA(CO)
CA(22/06/2016)

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