

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1535 of 2016

J.Rani ..Petitioner/Mother of the Detenue
vs.

1.The Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Assistant Commissioner of Police,
J6, Tiruvanmaiur Police Station,
Tiruvanmaiur, Chennai - 600 041.

3.The Inspector of Police,
J6, Tiruvanmaiur Police Station,
Tiruvanmaiur, Chennai - 600 041.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to secure the detenu petitioner's son J.Dinesh Kumar aged about 20 years s/o Jeeva and produce before this Court.

For Petitioner .. Mr.G.Jeremaih

For Respondent .. Mr.V.M.R.Rajentren,
Additional Public Prosecutor

O R D E R

(The order of the Court was made by S.NAGAMUTHU., J)

The petitioner is the mother of one Mr.J.Dinesh Kumar s/o Mr.Jeeva. According to the petitioner, the third respondent took J.Dinesh Kumar s/o Mr.Jeeva in an illegal custody on 21.07.2016 and from then onwards, he was detained in the illegal custody of the third respondent.

2.Today, when this Habeas Corpus Petition came up for hearing, the learned Additional Public Prosecutor appearing for

the Sate would submit that J.Dinesh Kumar s/o Mr.Jeeva is an accused in Cr.No.1094/2016 on the file of the respondent Police and he was also an accused in Cr.No.390/2016 for offences under Sections 395 & 397 and in Crime No.505/2016 for offences under Sections 341, 294(b), 336, 427, 392 r/w 397 & 506(ii) I.P.C., on the file of the Sholavaram Police Station and he was remanded in judicial custody in connection with the case in Crime No.390/2016 for offences under Sections 395 & 397 I.P.C., on the file of the E.5 Sholavaram Police Station. It is further submitted by the learned Additional Public Prosecutor that the detenu was formally arrested in the present case also. The said statement is recorded.

3.The learned counsel for the petitioner would submit that the detenu was originally detained by the Police for some time before he was produced before the Court.

4.In our considered view, as it is a disputed question of fact, it needs to be resolved only on evidence. Since, it is reported that as of now, the detenu is in judicial custody, in pursuance of the judicial order passed by the competent Court, no further relief could be granted in this petition.

5.In the result, the Habeas Corpus Petition fails and accordingly, the same is dismissed.

jbm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Assistant Commissioner of Police,
J6, Tiruvanmaiur Police Station,
Tiruvanmaiur, Chennai - 600 041.

3.The Inspector of Police,
J6, Tiruvanmaiur Police Station,
Tiruvanmaiur, Chennai - 600 041.

4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.G.Jeremaih, Advocate Sr 46468

KR/9/9/16

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