

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2016

CORAM

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

H.C.P.No.523 of 2016

S.Amuthavalli Petitioner/Wife of detenu

Vs

1. The State, Represented by
The Superintendent of Police,
Erode District.

2. The Inspector Police,
Bhavani Police Station, Erode District.

3. Rajani Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the first and second respondents to produce the petitioner's husband Mr.Raman, aged 42 years, son of Palaniappan before this Court and set him liberty on his own free wish and volition.

For Petitioner : Mr. V.Vijayakumar

For R1 & R2 : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

The petitioner is the wife of one Raman aged about 42 years. According to the petitioner, her husband is a lorry driver and the third respondent took him to Bangalore trip on 03.02.2016, and he has been missing from 17.2.2016, the petitioner made a complaint on 29.2.2016. Since the detenu was not traced, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also perused the records carefully.

3. Today, the learned Additional Public Prosecutor submitted that the detenu, namely, Raman, has died in Chinnamandapam, Cuddapah District, Andhra Pradesh and in this regard, a case has been registered in Cr.No.9/16 for 'Unknown dead body' on the file of the Chinnamandapam Police Station. The petitioner has also confirmed the death of her husband.

4. Since the detenu has already died, there is no scope for any order as prayed for as there is no illegal detention.

5. Hence, the petition is dismissed as not maintainable.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Erode District.
2. The Inspector Police,
Bhavani Police Station, Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Vijayakumar, Advocate Sr.40060

H.C.P.No.523 of 2016

GJ II[co]
srg 10/08/2016