

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.6.2016

CORAM

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

H.C.P.No.938 of 2016

Rosaiah ..... Petitioner/father of the  
detenue

Vs

State by  
The Inspector of Police ,  
P.6, Kodungaiyur Police Station. ... Respondents

Prayer: Petition filed under Article 226 of the  
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS  
directing the respondent to produce the body or person of the  
detenue SIVAKUMAR aged about 28 years before this Honble Court  
and set him at liberty.

For Petitioner : Mr.M.A.R.Pragash  
For Respondents : Mr.V.M.R.Rajendran  
Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Mr.Sivakumar aged  
28 years. According to the petitioner, from 12.2.2016 onwards,  
he has been found missing. He was working in a private company  
known as E-Con in T.Nagar. On a complaint made by him, a case  
has been registered in Cr.No.212/16 for 'man missing' on the  
file of the respondents and investigation is pending. Since the  
missing man has not been rescued so far, the petitioner has come  
up with this Habeas Corpus Petition.

2. Today, when the matter was taken up, the learned  
Additional Public Prosecutor, Mr.V.M.R.Rajendran submitted that  
investigation is in progress and investigation done so far has  
revealed that he is alive.

3. The learned counsel for the petitioner would submit that no effective steps are taken to secure the detenu.

4. We have considered the above submissions. Prima facie we are satisfied that there is no illegal detention warranting issuance of writ of Habeas Corpus Petition. In respect of the missing of Mr.Sivakumar, a case has been registered in Cr.No.212/16 and the same is under investigation.

5. In such view of the matter, this petition deserves to be dismissed leaving it open for the police to investigate the matter expeditiously.

6. In the result, this petition is dismissed, however, with a direction to the police to expedite the investigation of the case.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police ,  
P.6, Kodungaiyur Police Station.

2.The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.M.A.R.Pragash Advocate sr.33014

सत्यमेव जयते

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