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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1721 of 2015

R.Kannan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu
rep.by the Director General of Police,
O/o. Director General of Police,
Beach Road, Chennai.
 - 2.The Additional Director General of Policed (CBCID)
O/o.Additional Director General of Policed (CBCID)
No.220, Pantheon road,
Egmore, Chennai - 8.
 - 3.The Joint Director,
CBI, Shastri Bhavan
Nungambakkam, Chennai.
 - 4.The Inspector General of Police,
O/o.South Zone Inspector General of Police,
New Natham Road, Madurai.
 - 5.The Superintendent of Police,
Madurai District.
 - 6.The Deputy Superintendent of Police,
Oomatchikulam Sub division,
Madurai District.
 - 7.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents to produce the person and body of the detenu namely Sivaraman aged 4 years son of Kannan before this court and handed over the custody of the detenu to the petitioner by set him at liberty.

For Petitioner

: Mr.R.Alagumani

<https://hcservices.ecourts.gov.in/Hcservices/>

For Respondents

: Mr.R.Ramachandran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR]

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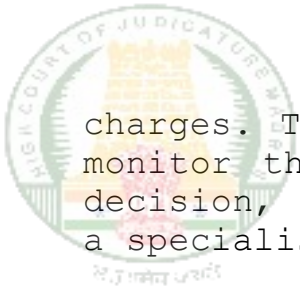
Heard both sides.

2.The petitioner lodged a complaint with the seventh respondent regarding the missing of his minor son Sivaraman aged about four years from Othakadai Market. Based on the said complaint, a case came to be registered in Crime No.646 of 2015 of Othakadai police station for an offence under Section 363(A) of the Indian Penal Code. It was alleged therein that one unidentified person was reported to have kidnapped that child. Not satisfied with the pace with which the investigation was progressing, the petitioner approached this Court with the present Habeas Corpus Petition.

3.After the respondents took notice through the Additional Public Prosecutor in this Habeas Corpus Petition, the investigation picked up speed and it made the culprit to board a bus plied between Trichirapally and Madurai with the child and get down at Kottampatti leaving the child in the bus. Since the conductor informed the Melur Police that the person who brought the child in the bus, got down at Kottampatti road, leaving the child alone in the bus, Melur Police, in turn, passed on the information to the seventh respondent and the seventh respondent took the child from the Melur Police Station and entrusted the child to the Welfare Committee on the same day. On 29.12.2015 the child was produced before the Court in the vacation sitting, whereupon by the order of the Court, the child was handed over to the petitioner with a direction to him to appear and bring the child today. Today, the petitioner has come to this Court along with the child.

4.The learned counsel for the petitioner submits that though the child has been found out and handed over to the petitioner, since the offence of kidnapping was committed in a busy market of Othakadai and the accused has played tricks to ensure that he is not caught, this Court shall issue necessary direction for the speedy investigation of the case, despite the fact that the child has been recovered.

5.The learned Additional Public Prosecutor also submits that the seventh respondent is taking necessary steps to speed up the investigation to find out the culprit and make him stand before the Court. The said submission of the learned Additional Public Prosecutor is recorded. Recording the fact that the child has been recovered and handed over to the petitioner, the Habeas Corpus Petition is closed. However, the seventh respondent is directed to speed up the investigation of the case, arrest the accused persons and make them stand before the Court to face the



charges. The jurisdictional Deputy Superintendent of Police shall monitor the investigation. The higher officials may also take a decision, if necessary, to entrust the investigation to a team or a specialised agency.

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Sd/-

Assistant Registrar(T&P)

Sub-Assistant Registrar

To

- 1.The Director General of Police,
State of Tamil Nadu
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Beach Road, Chennai.
 - 2.The Additional Director General of Policed (CBCID)
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 - 6.The Deputy Superintendent of Police,
Oomatchikulam Sub division, Madurai District.
 - 7.The Inspector of Police,
Othakadai Police Station, Madurai District.
 - 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.R.Alagumani, Advocate, SR.No.4025

mj

RL/10C/AAL/MPA/5/2/2016

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