



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P. (MD)No.1299 of 2016

S.Mumtaj : Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai.

3.State of Karnataka,
Rep. by Assistant Commissioner of Police,
Central Crime Branch,
Vayali Kaval Police Station,
(Crime No.118/2013),
Bangalore, Karnataka.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body and the person of the detenu, namely Sahul Hameed Badusa (28/16), S/o.Khaja Moideen, (Undertrial Prisoner No.3032-Central Prison, Palayamkottai), confined at the respondent No.2 and produce him in this Court and set him at liberty.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1&2 : Mr.A.Ramar,
Additional Public Prosecutor

**ORDER**

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

The petitioner has come up with this Habeas Corpus Petition stating that the detenu, viz., Sahul Hameed Badusa has been detained in Palayamkottai Central Prison without proper order of remand by the competent Court.

2. Today, when the Habeas Corpus Petition was taken up for hearing, the Additional Superintendent of Prison, Central Prison, Palayamkottai, made appearance. He has also produced the warrant issued by the District and Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee. A perusal of the same reveals that the detenu was produced before the learned Sessions Judge on 18.08.2016, on which date, the remand was extended till 16.09.2016. But, due to unavoidable circumstances, the accused could not be produced before the said Court on 16.09.2016 and the warrant alone was produced. On the warrant, the learned Sessions Judge has made the following endorsement:

"Accused not produced on remand. Accused to be produced by 07.10.2016".

Thereafter, the accused was produced before the Special Court on 29.09.2016 and the Court has passed an order of remand till 07.10.2016. Thus, as of now, the detenu is detained, in pursuance of the valid remand order passed by the Special Court. Therefore, we are unable to grant any relief as prayed for. The Habeas Corpus Petition is, therefore, dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

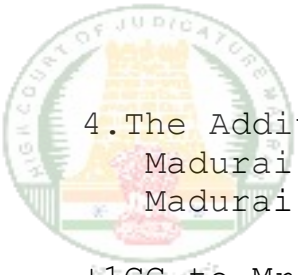
SML

To

1.The Principal Secretary to Government,
State of Tamil Nadu, Home (Prison V) Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The Superintendent of Prison,
Central Prison, Palayamkottai.

3.The Assistant Commissioner of Police,
State of Karnataka, Central Crime Branch,
Vayali Kaval Police Station, (Crime No.118/2013),
Bangalore, Karnataka.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.T.Lajapathi Roy, Advocate Sr.No.57856

GJM/GSV/PM/14.10.16-3P-6C

**Order made in
H.C.P. (MD) No.1299 of 2016
Dated:30.09.2016**